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Selecting "Career Criminals" for Priority Prosecution

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Preface

This report documents the second phase of a National Institute of Justice study of career criminal prosecution selection criteria. The purpose of the overall study is to determine the power of different types of criteria in distinguishing between high-rate dangerous offenders and other types of offenders. Phase 1 determined the feasibility of obtaining valid self-report data by administering a questionnaire to defendants; results are reported in:

> Chaiken, Marcia and Jan M. Chaiken, <u>Methods for Studying Selection Criteria for Career Criminal Proseuction: Final Report</u>, prepared for the National Institute of Justice, U.S. Department of Justice, Washington, D.C., May 1984.

The data collected for this study are available on a public-use machine readable tape submitted to the National Institute of Justice, March 1987. Data that could be used to identify individual respondents are not included. The data are described in a separate document:

> Marcia R. Chaiken and Jan M. Chaiken, <u>Documentation for Public Use Data Tape: Selecting "Career Criminals" for Priority Prosecution</u>, submitted to the National Institute of Justice, U.S. Department of Justice, Washington, D.C., March 1987.

Summary

Background

More than a hundred U.S. jurisdictions have adopted various forms of priority prosecution programs, aimed at focusing criminal justice resources on serious offenders in order to enhance the control of crime. Defendants handled under these programs face special prosecutorial practices that are intended to assure their rapid conviction on the highest applicable charge.

Ten years ago the initial programs of this type -- "career criminal" prosecution programs -- were targeted primarily on habitual felons who had extensive criminal records. Today, in response to changing public concerns and growing research knowledge, they are more likely to target the small number of offenders who commit serious crimes at high rates, predators who police, prosecutors, and the public want "off the streets, fast." A wide range of different criteria have been developed for selecting these defendants for priority prosecution. Some prosecutors must follow strict guidelines established by state law or local regulations, which may not have been reviewed or revised for years. Others are permitted wide discretion in the types of offenses and the characteristics of defendants they choose.

Purposes of the Study

Many prosecutors question whether the selection criteria they use are adequate for the job or can be improved. Some prosecuting attorneys feel they are being hampered by rigid mandates, that they could better target the most serious offenders if given broader discretion to make choices as they see fit. Naturally, crime problems and local community concerns about crime differ among jurisdictions, so no single selection rule can be best for all priority prosecution units. But if crime reduction is one of the goals of these programs, then prosecutors must correctly distinguish between offenders who commit serious crimes at high rates and other offenders -- those who may commit numerous crimes, but not serious ones, and those who commit crimes at low rates.

Past research on numbers of crimes committed by varieties of offenders has not specifically addressed these concerns of prosecutors. The studies have demonstrated that only a small percentage of the offender population commits serious crimes at high rates. However, research also suggests that the serious high-rate offenders cannot easily be distinguished from other, less serious offenders based on standard criminal history information such as adult arrests and convictions. In fact,

serious offenders such as violent predators are typically young and do not have lengthy adult criminal records. Certain kinds of less tangible information have been shown to be useful for making better identifications of serious high-rate offenders -- information about their criminal behavior before age 16, about their marital and employment history, and about their use of large quantities of multiple types of drugs. Some of the data items recommended as potentially useful by research are not readily available to prosecutors in a verifiable form, while others are available but are thought not to be sufficiently fair, unbiased, or legally justifiable to be used in making decisions about a defendant's criminal processing.

Prosecutorial staff who decide which defendants should be given priority prosecution do not in fact limit themselves to the specific types of data that appear in standard criminal history records or "Rap sheets." Police and other criminal justice system practitioners typically present attorneys with a great deal of additional information about the characteristics of defendants and their offenses and victims. This study examined the usefulness of this kind of information in identifying high-rate serious offenders.

Rather than focusing on defendant characteristics that are not reliably known by prosecutors, we explored the usefulness of the numerous facts that already are, or easily could be, known to prosecutors and taken into account when they select defendants for priority prosecution. We determined which of the criteria or factors used by prosecutors appear to be valid indicators of high-rate dangerous behavior. We also explored which criteria may possibly be misleading, and what additional information typically found in case folders or agency files could help in sharpening these judgments.

Of course, prosecutors often have reasons for selecting or not selecting particular defendants quite apart from whether they are high-rate, serious offenders. The notoriety of the case, evidentiary problems, or the current workload of the priority prosecution unit often play an important role. So our analysis did not evaluate the quality of selection decisions in relation to the objectives set for them by district attorneys. Nor did we evaluate priority prosecution units in terms of their case outcomes or the costs involved in achieving those outcomes. Rather we focussed specifically on the accuracy of those activities and judgments by prosecutors that are intended to identify and target resources on serious, high-rate offenders.

In doing so, we distinguished among three types of offender classification criteria:

- Selection rules that are formally mandated by career criminal legislation,

- Criteria that are used by criminal justice practitioners at their own discretion for identifying high-rate dangerous offenders, and

- Criteria that have been suggested by researchers as valid for identifying high-rate serious offenders, but are not typically used by prosecutors despite ready availability of the requisite information.

Study Sites and Data Sources

To carry out the study we collected information from diverse sources in two study sites: Los Angeles County, California, and Middlesex County, Massachusetts. The Los Angeles Career Criminal Division exemplifies programs that operate under fairly rigid and restrictive selection rules and are carried out by a limited number of attorneys who follow cases from their initiation. Priority prosecution cases in Middlesex County, by contrast, can be handled by any assistant attorney (not just those in a special unit), broad selection guidelines are used to target high-rate dangerous offenders, and cases can be selected for priority prosecution at any stage of their processing.

By interviewing and observing the work of attorneys in both sites who select cases for priority prosecution, we determined the information they use in making their judgments and the procedures they follow. By presenting them with anonymous versions of cases that had previously been eligible for possible priority prosecution in either their own county or the other study site, we determined the extent to which judgments were consistent between the two sites, and we concretely verified for these cases that the information about defendants and their offenses claimed to be taken into account was actually being taken into account. To enhance the generalizability of our study, the criteria observed to be used in the two study sites were presented to career criminal program directors from numerous counties in California, and we asked them for comments and additions.

Additional study data were collected for a total of over 500 defendants who were ultimately convicted. The sample included nearly all defendants selected for priority prosecution during the study period, plus a complementary group of defendants who were not priority prosecuted but whose charged offense was one of those targeted by the priority prosecution unit, e.g., robbery or burglary. By examining these defendants' case folders and court records, we were able to code hundreds of items of data about them, their criminal history, and the instant offense. Since our coders found

the data in agency records, obviously prosecuting attorneys either did or could readily have access to the same information. The particular items of data coded were guided by the wording of California state career criminal legislation, our observations and interviews with prosecuting attorneys, and the results of prior research.

Immediately after their cases were disposed, defendants also completed self-report questionnaires which elicited information about ten different types of crimes (such as robbery, burglary, and assault) that they may have committed in the period preceding their arrest, and their frequency of committing each of these types of crimes. Because self-reports on these sensitive topics are known to have questionable veracity, research techniques have been developed for handling such data conservatively so as to draw valid conclusions. Of course some of the respondents were untruthful in their survey responses, but the quality of the defendants' data was approximately the same, or even slightly better, than that of data collected in previous similar surveys of jail and prison inmates who had had several months to adjust to incarceration before being asked to complete the survey questionnaire.

Study Findings

Selection outcomes

Despite wide differences in the selection criteria and procedures in the two study sites, the defendants actually selected for priority prosecution were remarkably similar across the two sites. However, the Los Angeles County prosecutors have a more restrictive view of the type of offender that is high-rate and dangerous. After the attorneys had reviewed the same group of anonymously presented cases, every defendant designated as high-rate and dangerous by the Los Angeles attorneys was also so characterized by the
Middlesex county attorneys. But the Middlesex county attorneys also evaluated as high-rate and dangerous some defendants who were considered less serious by the Los Angeles attorneys.

Classifying offenders

Prosecutors tend not to think of high-rate serious offenders as a homogeneous category. Instead, in interviews they often judged separately whether a particular defendant did or did not commit crimes at high rates, whether he was or was not dangerous, and then whether he was or was not a persistent (or habitual) offender. Accordingly, in analyzing defendants' self reports, we classified the respondents into the following categories:

1. Not high-rate (didn't commit any of the study crimes at a high rate)

2. High-rate

2a. High-rate but not dangerous

2b. High-rate and dangerous

    2b(i).   High-rate and dangerous, but not persistent
    2b(ii).   High-rate, dangerous, and persistent

(Respondents who didn't admit to committing any of the study crimes listed in the survey booklet were omitted from these categories.)

In addition to matching the prosecutors' way of thinking about defendants, this scheme of categories enhances the extent to which subgroups of defendants display clear distinguishing characteristics.

High-rate offenders

Our study sample contained a substantial proportion (43 percent) of offenders classified as high-rate. Yet, in common with earlier research, we did not find many items of information available to prosecutors that validly and decisively distinguish high-rate offenders from others. One of the strongest of this generally weak lot of indicators was a California legislatively mandated criterion: a prior adult conviction for robbery, burglary, arson, forcible rape, sex crime involving a child, kidnap, or murder. Other useful indicators of high-rate criminal behavior included:

- defendant was wanted by the authorities for failure to complete a previous sentence,

- defendant was on bail or own-recognizance release when arrested, and

- defendant is known to have a "drug problem".

Using just these four indicators, defendants can be divided into subgroups having widely different probabilities of being high-rate. In fact, defendants in our sample who had all four or any three of these characteristics had over a 90 percent chance of being high-rate. A selection rule based on this method would have very few false positives: under 2 percent of low-rate offenders in our sample would have been classified as high-rate. But the selection rule would have many false negatives: large numbers of defendants who are actually high-rate would not be identified as high-rate by using these four factors.

Remarkably, our study found that the Los Angeles attorneys have developed a consistent mental model of the information that is relevant for judging a defendant high-rate, and the career criminal selection criteria that they work with daily enter into these judgments. In other words, criteria established by state law and office policy have shaped these attorneys' understanding of the nature of criminal behavior. While our research did not confirm that these views of the Los Angeles attorneys have great predictive accuracy, they do represent consistent, justifiable grounds for selection. The Middlesex county attorneys, unfettered by mandated selection rules, were found not to have a consistent picture of the information that indicates a defendant is high-rate; in particular they pay less attention to the factors that are considered critical in Los Angeles. They could benefit by using, as guidelines, the career criminal selection criterion that has proved useful in California and was validated by our analysis.

High-rate dangerous offenders

Official record information available to and, in part, used by prosecutors in both jurisdictions is much better at distinguishing dangerous high-rate defendants than it is at distinguishing high-rate from low-rate defendants. We identified 27 valid indicators of high-rate dangerous behavior, of which the following five emerged as most useful in combination with each other:

- defendant has current charges for three separate robberies, or three separate burglaries, or a current charge for burglary/murder

- robbery with at least one prior adult conviction for first degree burglary, murder, or robbery.

- defendant injured the victim in the instant offense

- total number of instant counts of robbery

- number of juvenile convictions for robbery

- a knife was used in the instant offense.

Other factors, strong in themselves but not adding any significant information after taking the above five indicators into account, included victim vulnerability (e.g. female or elderly victim), and outside public location of the crime. Often, purse-snatches or strong-arm street robberies are considered by police and prosecutors to be less serious than inside robberies in which the offender used a gun. However, neither commission of crimes inside buildings nor use of a gun distinguishes high-rate offenders from others, or dangerous from less dangerous offenders.

All 27 indicators of high-rate dangerous behavior identified in this study are drawn from criminal justice agency records. The defendants' self-reports were used only for the purpose of classifying defendants as high-rate dangerous offenders or not. The most powerful criteria of high-rate dangerous activity are not personal characteristics such as age at first arrest, race, or employment, over which the defendant has little or no control. Rather, as described above, the best indicators are elements of the instant crime as recorded in agency records.

Persistent offenders

The study found that thinking about offenders in terms of persistent or habitual criminal behavior is probably more confusing than productive. Many different measures of "a Rap sheet as long as your arm" are valid indicators of persistence, but they bear little relationship to the type of offender the priority prosecution units would like to target. Some indicators of persistence are also indicators of high-rate or dangerous behavior, but are not as strong as the indicators listed above. Other indicators of persistence, such as a large number of adult arrests for burglary, actually are counter-indicators of high-rate dangerous behavior.

Conclusions

The findings of the study suggest that selection of "career criminals" for priority prosecution should incorporate standard guidelines based on a combination of the type, nature, and numbers of instant offenses; specific types of prior convictions, both adult and juvenile; and pretrial release, or post-sentence, fugitive status at time of arrest. They also suggest that, rather than requiring strict mechanical adherence to guidelines, selection criteria should also allow prosecutors discretion to use other information to help target on high-rate dangerous offenders. In particular, prosecutors should be permitted to use information from the police, probation officers, parole officers, or other practitioners indicating that the defendant is a drug-involved offender who violently preyed on vulnerable victims in public places.

Acknowledgements

This study is an outgrowth of the link between researchers and practitioners forged by James K. Stewart, Director of the National Institute of Justice. By providing a context in which research is both shaped and consumed by criminal justice personnel, he made us acutely aware of the limitations of standard criminological theories and research methods. He challanged us to strike out in new directions, to formulate alternative hypotheses, and to develop innovative research techniques. We thank him for his constant encouragement and support.

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Los Angeles County, California

We appreciate the permission we received from District Attorney Ira Reiner to conduct our study in Los Angeles, and the help we received from Assistant District Attorney Curt Livesay in arranging to do so. Neil Riddle, Head of the District Attorney's Criminal Justice Information Systems Section, and his assistant, Alberta Beitman, coordinated our efforts to track cases through the PROMIS system. Leonard Smith, Data Processing Manager, County of Los Angeles, provided us with necessary programs and printout.

The attorneys in the Los Angeles County Central Career Criminal Division devoted many hours to this project in interviews, case reviews, conversations, and special meetings. They allowed us to sit at their elbows and pick their minds as they made selection decisions. They filled out numerous forms and helped us track cases to dispostion. In particular we would like to thank Head Deputy District Attorney Michael Montagna, and Deputy District Attorneys William Crisci, Gregory Denton, Reid Rose, and Alan Yochelson.

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Los Angeles County Sheriff Sherman Block provided the staff and resources that allowed us to locate and interview defendants in custody of the Sheriff's Department. Deputy Noel Lanier and Sergeant Robert Dixon provided long-term help in arranging for interviews in the Los Angeles County Jail. Senior Clerk Corrine Hendon, Inmate Reception Center, and Sergeant Jack M. Anderson frequently interrupted their busy schedules to assist us in locating and interviewing Los Angeles respondents.

Los Angeles County Public Defender Wilbur F. Littlefield and Counsel Richard Hayes, Massachusetts Committee for Public Counsel Services, reviewed and made suggestions for our procedures for protecting the legal rights of people we interviewed and the confidentiality of the data we collected. We appreciate their concern and the inquiries and advise of the many attorneys whose clients were potential respondents.

Middlesex County, Massachusetts

In Middlesex County, District Attorney Scott Harshbarger gave us permission to scrutinize his newly reinstated priority prosecution program from its inception. We sincerely applaud his willingness to risk the cold light of research in his quest for effective prosecutorial innovations. We learned much from our early involvement and hope our suggestions in this report will provide a basis for further productive change. In the District Attorney's Office, Diane Juliar, Head of the Criminal Division, Pam Hunt, Director of the Priority Prosecution Progam, and Tom Hoopes, former Director of the Priority Prosecution Program, provided valuable assistance in working out research methods and carrying out case reviews and interviews. We greatly appreciate the help of all Assistant District Attorneys who completed priority prosecution recommendation forms, allowed us access to their records, and reviewed cases. Additionally, the clerical staff answered numerous questions, helped locate hundreds of records, and unstintingly provided space and expertise as we selected our sample, tracked cases, and coded forms.

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Coast to Coast

We are also grateful for the help we received from the Sheriffs' deputies and correctional facilities staff on both coasts. Working in overcrowded conditions with violent-prone populations, they often went out of their way to provide us with needed assistance.

Career Criminal Program Directors in virtually all California counties that have such programs reviewed and commented on our observations in Middlesex County and Los Angeles. The generalizability of our study is due to their efforts. Joseph Arellano and Albert Howenstein, Executive Director, California Office of Criminal Justice Planning, arranged for this review by the Career Criminal Program Directors. In addition to the criminal justice practitioners, several people on our research team devoted long hours over many months to this project.

Rita Schwartz, our West Coast administrator, was integral to the project. She vigorously and rigorously carried out the sample selection design, case-tracking procedures, notifications of attorneys, interview schedules, and the myriad of other details a project of this scope entails. Our interviewers, Roberto King, William Cudmore, David Dawson, Julian Gonzalez, and Tommie Joyner, displayed infinite patience and skill in administering a complicated questionnaire to a population selected for their social difficulties. Joel Siegel and Gary Goldman exercised meticulous care in locating and coding official record data. Robert Caggiano took initial responsibility for locating respondents in Los Angeles. Cathy Ruley and Jere Hinds, administrative assistants at Brandeis University, helped coordinate the project personnel and typed and retyped drafts of interview protocols and coding forms.

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Steve Gottfredson, Bruce Johnson, Judge Albert Kramer, Susan Martin, Christy Visher, and our Abt Associates colleagues, especially Daniel McGillis, Joan Mullen, and Dale Parent.

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1. Introduction

Faced with high crime rates and fiscal limitations, public officials and criminal justice practitioners have increasingly attempted to focus their resources so as to deal quickly and efficiently with offenders. Priority prosecution of "career criminals" is one policy that has gained widespread appeal for its potential to improve the efficiency of crime control.

Increased prosecutorial attention to "career criminals" was motivated by a growing recognition that a small number of offenders commit large numbers of crimes. Moreover, the high attrition rate of cases involving serious criminals appeared to be explained by experienced offenders' ability to manipulate the system and prosecutors' limited resources for handling cases that involved serious recidivists (Moore et al., 1983).

The first experiments in selective enhancement of prosecution of career criminals received federal funding less than ten years ago. Since then, increasing numbers of jurisdictions have committed resources to similar programs. As defined in the Chelimsky and Dahmann evaluation (1980), the overall objectives of career criminal prosecution are three:

- Implement a set of activities which are directed toward an identifiable sub-population of defendants defined as career criminals,

- Improve the performance of the criminal justice system with respect to this target group of criminals, and thereby

- Reduce crime through increased incapacitation.

Various organizational forms have been adopted by over 100 prosecutors' offices for accomplishing these objectives (Springer, Phillips, and Cannady, 1985). Some offices have established special units for handling targeted offenders, while others allow all prosecuting attorneys to handle career criminals according to special case management procedures such as vertical prosecution (one attorney handles the case from start to finish). In many jurisdictions attorneys handling priority cases have lower caseloads so they can spend more time working with police, victims, or other witnesses, preparing cases, or seeking enhanced sentences (Moore, et al., 1983).

In practice, these goals typically include an increase in the proportion of serious offenders detained before trial, convicted, and incarcerated for relatively long times, and reductions in plea bargaining and case processing time.

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Enhanced prosecution of career criminals can in principle yield large reductions in crime rates, either by increasing the chances that serious offenders are incarcerated or by lengthening their sentences. In practice, some improvements can yet be made before the full promise of these programs will be realized (Blumstein et al, 1986). In particular, police and prosecutors need better capabilities to use available, justifiable information to distinguish between high-crime-rate, serious offenders and other types of offenders (Morris and Miller, 1987). As suggested by Stewart (1983):

> Given identification of the serious, violent predator as a priority issue
> for research, . . . the practitioner wants to know what is known now,
> (and) how it can be used.

In this research we examined how the information available to police and prosecutors can best be used to identify high-rate, dangerous, persistent offenders for prosecution. Our study was not evaluative in nature; we did not examine the outcomes of the prosecution itself, or the relative costs of achieving those outcomes. Since the prosecutor's selection or nonselection of a defendant for career criminal prosecution may reflect considerations other than high-rate criminal activity, such as seriousness or notoriety of the offense or evidentiary strength of the case (Springer, Phillips, and Cannady, 1985), our analysis does not necessarily evaluate the quality of the selection decisions in relation to the objectives set for them.

Rather, we were interested in determining the accuracy with which the processes developed specifically for selecting the most serious criminals are actually targeted on dangerous high-rate criminals. We did so by collecting information from prosecutors and other criminal justice agency personnel about how they choose defendants for priority prosecution, and by collecting self-report information about criminal behavior from defendants selected and rejected for priority prosecution.

Our study was carried out in two jurisdictions, Los Angeles County, California, and Middlesex County, Massachusetts. The Los Angeles County district attorney's office is the largest in the United States, processing over 100,000 criminal cases a year, and its Central Branch office, the locus of our study, handles the bulk of the county's most serious offenses. Middlesex County, comprising over 60 cities and towns near Boston, ranks forty-second in size among district attorney's offices and processes 35,000 criminal cases a year. In Los Angeles, the Career Criminal Division concentrates on a relatively small number of robbery and burglary defendants. In Middlesex County, a subset of defendants charged with robbery, burglary, rape, aggravated assault/murder, and drug sales are priority prosecuted.

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The methods used to collect self-report data from the defendants were developed and pretested in a separate, preliminary study conducted in Los Angeles County immediately prior to the initiation of this research (Chaiken and Chaiken, 1984b). The preliminary study involved working together with public defenders and private attorneys to develop procedures for interviewing the defendants. The questionnaire to be used for data collection was pretested on approximately 100 defendants and then revised.

Also included in the preliminary study was an analysis of the quality of self-report data collected from the defendants. The quality of data was approximately the same as in other self-report studies of this type. Most researchers working with such data feel the data are not adequately reliable to support specific numerical estimates, such as saying a respondent committed 22 burglaries per year, but they are sufficiently reliable to classify respondents as high-rate vs. low-rate, or dangerous vs. not dangerous.

In this study, we compared the self-reported criminal behavior of defendants who are actually identified as high-rate and dangerous by career criminal prosecutors with those who would be chosen by strictly following various mandated rules or state laws currently used for making these selections. We found that while formal criteria do help focus resources on high-rate, dangerous, and persistent offenders, some of the discretionary criteria that are applied by prosecutors increase the accuracy of these selections. Additionally, other information currently available but not generally used by prosecutors can be used to hone even finer selections.

More specifically, compared to other populations of offenders, including prison inmates, defendants charged with the types of crimes that are eligible for priority prosecution were likely to be high-rate offenders -- whether or not they were selected for priority prosecution. However, defendants that met the California statutory selection criterion (P.C. 999e) of one or more prior convictions for robbery, burglary, rape, kidnap, or murder, were significantly more likely to be high-rate offenders than others in the jurisdiction charged with the same crimes. The probability of selecting high-rate offenders was additionally improved by the prosecutor's discretionary choice of defendants who at last arrest were already on pretrial bail or released on their own recognizance or who had escaped from a correctional facility or absconded from parole. Knowledge available to the prosecutors about defendants' drug use could have improved the selection accuracy still more; however this information was rarely taken into account.

We also found that prosecutors used combinations of formal and discretionary criteria that proved to be useful for selecting offenders who by self-report were dangerous. Particularly salient information used for selecting robbery defendants included the following:

- The defendant was charged with multiple separate incidents of robbery

- The defendant was charged with at least one robbery noted by the police as involving victim injury

- The defendant was previously convicted as an adult or juvenile for robbery.

Prosecutors were more likely to select such defendants if they used a gun rather than a knife to threaten victims. However, those who used knives were just as likely or more likely to be high-rate dangerous offenders. Similarly, some prosecutors exclusively focussed on robbers who held up victims in restaurants or stores; however offenders who robbed women or elderly people on the streets were just as or more likely to be high-rate and dangerous.

The primary criterion used by prosecutors to identify persistent offenders was a prior record of numerous felony convictions, which they can see from the defendant's "Rap sheet"--a listing of his adult arrests and convictions. Among offenders whose characteristics indicate they are high-rate and dangerous, our study found that a "long Rap sheet" does help target those who have the most persistent criminal careers. However, a long Rap sheet by itself is characteristic of a mix of offenders -- some high-rate, others not high-rate, some dangerous, others nonviolent property offenders. Prosecutors appear to be aware of this distinction. Since they are more interested in targeting high-rate dangerous offenders than offenders with extensive nonviolent felony careers, a simple count of all felony convictions was rarely used as the sole criterion for priority prosecution.

The remainder of this section of the paper presents background and overview information about the study. Section 2 describes the sites, the data, and the methods we used to collect the data. The descriptions of analyses in Sections 3, 4 and 5 include the methods we used for classifying the respondents, the methods for constructing the selection criteria variables, and the methods for determining the accuracy of the selection criteria for identifying high-rate, serious offenders. Also included are descriptions of the quality of the data and its implications for analysis. Finally, Section 6 presents the conclusions of the study.

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Past Findings

Until the last decade most criminological studies attempted to illuminate the conditions that lead to individuals' committing criminal acts and to construct comprehensive typologies of criminal behavior. Although the results of this kind of research provided a rich basis for understanding deviance, the implications for pragmatic programs for dealing with offenders was far from obvious (Stewart, 1983). The root causes of crime appeared to be those most intractable to social or criminal justice intervention (Chaiken and Chaiken, 1983; Wilson, 1983). The attempts at formulating comprehensive typologies suffered from vagueness, a lack of parsimony, instability, and perhaps most important, inapplicability for classification of offenders in the criminal justice system (Gibbons, 1979).

In the past ten years, however, the results of a number of studies focusing on the identification of high-rate offenders have had important implications for public policy, in particular, for policies of dealing selectively with different types of offenders. More specifically, recent studies have shown that:

- Among any group of offenders, the vast majority commit crimes at low rates; a small number of offenders commit crimes at prodigiously high rates (Wolfgang, 1972; Peterson and Braiker, 1981; Chaiken and Chaiken, 1983; Elliott, 1980; Tracy, Wolfgang, and Figlio, 1985).

- The seriousness of crimes committed by offenders, the rates at which they commit crimes, and their persistence in committing crimes are significantly interrelated. Violent predators -- offenders who commit robbery, assault and drug deals -- are more likely than any other type of offender to commit these and other crimes including burglary at high rates (Chaiken and Chaiken, 1983).

- The violent predators are most often not older criminals with long records of arrest but rather younger men who committed both violent and property crimes before age 15. They are more likely than any other type of incarcerated offender to be unmarried, to be employed irregularly, and to be users of large quantities of heroin or other psychotropic drugs (Chaiken and Chaiken, 1983).

- Offenders with the characteristics of the violent predators are more likely to be recidivists than any other types of offenders (Williams, 1980).

These studies have demonstrated that the types of acts committed by an offender are not the only factors relevant for judging the seriousness of his behavior;

also important is the rate at which he commits crimes. Unfortunately, practically any method of measuring the crime commission rates of individuals can be and has been challenged. Some methods err in the direction of underestimating the crime commission rates of some offenders, while others may yield overestimates (Hindelang, Hirschi, and Weis, 1979).

Methods that rest primarily on individuals' counts of arrests per year (Greene, 1977; Blumstein and Cohen, 1980) suffer from the disability of "hidden deviance": high-rate serious offenders who happen to evade arrest appear to be committing crimes at low rates. Studies based on the length of time until a person recidivates after a specified incarceration or treatment program (e.g., Barton, 1978; Barton and Turnbull, 1979; Harris, Kaylan, and Maltz, 1981; Maltz, 1980; Stollmack and Harris, 1974) also typically define the occurrence of recidivism according to some event that is recorded by criminal justice authorities (e.g. arrest, conviction, or reincarceration) and therefore possibly omit unknown quantities of deviant activity.

By contrast, self-report data can potentially overestimate as well as underestimate an individual's true amount of criminal activity (for reviews, see Reiss, 1977; Marquis, 1981; Peterson et al., 1982). Recent self-report data collection efforts, however, have been designed with built-in checks that allowed analysts to produce findings more resistant to response error. In our past studies of inmates (Chaiken and Chaiken, 1982; Chaiken and Chaiken, 1985) we used a questionnaire that included items widely separated that asked for essentially the same information about crimes the respondents committed and about other subjects. These items were used to carry out a series of checks of the internal quality of the responses (inconsistency, omission and confusion). Over 83 percent of the respondents filled out the questionnaire accurately, completely, and consistently. The same techniques for measuring internal reliability were replicated in the present study and in the preliminary study that preceded it (Chaiken and Chaiken, 1984b). The results are described in Section 4 of this paper.

Theoretical Basis for the Study

Three basic social-psychological concepts underlie the proposed research. First and most general is the concept that all human behavior, including criminal behavior, occurs in a limited number of observable and regular patterns. Criminal behavior in particular is not a system of unlimited permutations and combinations of illegal acts, but rather tends to conform to a relatively small number of specific combinations of types of offenses.

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Guided by this concept, Chaiken and Chaiken (1982) found that inmates in prisons and in jails in three states could be meaningfully categorized into ten varieties of criminal behavior. The varieties, defined in terms of the types of crimes the inmates reported committing, were found to be highly correlated with the rates at which the inmates reported committing crimes and the persistence of their criminal careers.

The second concept suggests that any behavioral outcome is dependent on an individual's response to his environment; however, certain biological, psychological, and social characteristics of individuals dramatically increase or decrease the probability of occurrence of specific forms of behavior, independent of environmental factors. In terms of criminal behavior, this concept has been supported by the studies of Glaser (1964), Hare (1979), Irwin (1970), Mann, Friedman and Friedman (1976), McCord and McCord (1959), Robins and Wish (1977) and most recently by Chaiken and Chaiken (1982), Herrnstein (1983), and Hirschi (1983). For one example, Chaiken and Chaiken found that the ten varieties of criminals identified in their study varied significantly in terms of the offenders' age, race, employment history, marital status and involvement in juvenile criminality.

Finally, the third concept that underlies the proposed study is the assumption that classification of all human behavior, including criminal behavior, into meaningful categories is an ongoing, complex, social process (Mead, 1934) learned early in life (Kagan, 1982) that is dependent on experiences in making predictions about transituational and future behavior on the basis of more immediate acts (Weinstein, 1969), including non-verbal gestures (Lindesmith and Strauss, 1968), and appearances of the individuals undergoing classification (Goffman, 1959; Goffman, 1963). Therefore, although simple, overt rules can be formulated for classifying individuals, the more complex "models" used for classification by experienced practitioners may have a greater degree of validity.

Overview of this Research

Our research was designed to address the need of practitioners to know which criteria presently used for classifying career criminals most meaningfully distinguish between high-rate serious offenders and other types of offenders. Three types of career criminal classification criteria were examined.

- Selection criteria formally mandated by career criminal legislation.

- Criteria used at the discretion of criminal justice practitioners. We observed and interviewed prosecutors to determine criteria used in the

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actual selection process. We carried out statistical analyses to validate these qualitative determinations.

- Criteria that have been suggested by researchers and are presently available to criminal justice practitioners but have not been used by them in selecting career criminals. We collected official record data currently available to practitioners making career criminal selection decision.

In order to determine the power of the criteria in distinguishing between high-rate, serious offenders and other types of offenders, we collected self-report data on criminal activities from defendants immediately following prosecution in the two study jurisdictions. We used a variation of survey methods previously found to elicit unbiased self-report information on criminality (Marquis and Ebener, 1981).

In separate analyses of the data from each of the study sites, we used staged regression analysis to examine the relationship between the selection criteria and three dimensions of criminality: annualized rates of committing crimes, the dangerousness of the crimes committed, and the offender's persistence in committing crimes. Our key analyses were performed two ways: first, using data from all respondents, and second, eliminating respondents whose data did not pass our tests of internal reliability. Using only the variables that were significant in both jurisdictions, we carried out logistic regressions to determine relationships between the offenders' characteristics and their probability of achieving high levels on each of the three dimensions of criminality.

2. Data Collected for the Study

This Section describes the study sites and the types of data collected for the study. In each site, self-report information was collected from recently convicted defendants whose charged offense would potentially have made them eligible for priority prosecution. Extensive amounts of data about these defendants and their cases were collected from existing official records and data instruments specifically designed for the study. Prosecuting attorneys were observed during the process of selecting cases for priority prosecution and were interviewed about cases from both jurisdictions, presented to them anonymously.

Study Sites

Two sites were selected for this study, Los Angeles County, California and Middlesex County, Massachusetts. During the earlier feasibility study, Los Angeles County was selected from jurisdictions currently incorporating career criminal prosecution units for the following reasons:

- Los Angeles has had a relatively stable career criminal prosecution program for over 10 years. Originally funded by LEAA in 1974, the California programs were allocated state funds after the federal funding ceased in 1978.

- To receive state funds, California attorneys must follow state guidelines for selection (see Table 1). The Los Angeles Career Criminal Division prosecutors a subset of eligible cases. The subset is selected on the basis of local formal criteria (Table 1) or at the discretion of the personnel who select the cases.
- Prosecutors and sworn police officers with direct experiential knowledge of defendants are involved in selection of career criminal cases.

- The jurisdiction handles relatively large numbers of career criminal cases each year, which permitted us to achieve our desired sample size in a short period of time.

- The jurisdiction has a relatively large number of career criminal prosecutors. Therefore, we could determine whether or not discretionary criteria used to select career criminal cases were idiosyncratic.

Middlesex County met the following selection criteria.

- The jurisdiction too has had a relatively long history of involvement in career criminal prosecution -- Middlesex originally instituted career criminal prosecution with assistance from

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Table 1

Formal Career Criminal Selection Criteria

CALIFORNIA STATE SELECTION CRITERIA

A defendant may be selected for career criminal prosecution if he or she has:

1. Current charges for three separate criminal transactions (events) for target crimes (robbery, burglary, arson, receiving stolen property, grand theft, grand theft auto, drug distribution, or sex felony crime involving a child)

OR

2. A current charge for one target crime, plus a prior adult conviction (within last ten years, excluding time incarcerated) for robbery, burglary, arson, forcible rape, sex crime involving a child, kidnap, or murder.

OR

3. A current charge for one target crime, plus two prior adult convictions (within last ten years, excluding time incarcerated) for grand theft, grand theft auto, receiving stolen property, ' robbery, burglary, kidnap, assault with a deadly weapon, or drug distribution.

CENTRAL LOS ANGELES DISTRICT ATTORNEY'S MORE RESTRICTIVE CRITERIA

A defendant may be selected for career criminal prosecution if he or she has:

1. Current charges for three separate criminal transactions for burglary (residential or commercial)

OR

2. Current charges for three separate criminal transactions for burglary (residential or commercial)

OR

3. A current charge for one crime of burglary/murder, robbery/murder, or robbery, plus one prior adult conviction (within last ten years, excluding time incarcerated) for first degree burglary, murder, or robbery.

LEAA. The program was disbanded after federal funds were no longer available. However, key staff members involved in the current priority prosecution program gained familiarity with the concept of career criminal selection in the earlier program.

- Middlesex County provided a clear contrast to Los Angeles in terms of geographical location, population, and formally mandated selection criteria. While Los Angeles' formal criteria are determined by state legislation and are relatively restrictive, Middlesex County provides broad selection guidelines determined by experienced prosecutors. All assistant district attorneys in Middlesex County are encouraged to submit any cases they believe involve high-rate dangerous offenders for priority prosecution. Further, while Los Angeles defendants are selected for career criminal prosecution only when the case is initiated (e.g., before or after arraignment), in Middlesex County prosecuting attorneys may select a case for priority prosecution at any pretrial stage.

- Middlesex County also has a relatively large number of cases being handled under the Priority Prosecution Program -- All assistant attorneys are allowed to handle priority prosecution cases; therefore more cases are selected than in jurisdictions where only attorneys in a special division handle cases.

Defendant Self-Reports of Criminal Behavior

Methods for collecting data from defendants were developed in the preliminary study mentioned above (Chaiken and Chaiken, 1984). Self-report data were collected from the defendants using a slightly modified version of a questionnaire previously used in a study of inmates in prisons and jails in California, Michigan, and Texas (Peterson et al, 1982; Chaiken and Chaiken, 1982). Modifications included questions added to better focus the respondents' attention on the calender period about which we were most interested.

The questionnaire was designed to be self-administered and was available in both English and Spanish. Interviewers who had previous experience in working with offender populations were present in the room to give instructions and to answer questions. For respondents who were not literate, interviewers read each question aloud. In order to provide this individual attention when necessary, no more than five individuals were scheduled for most interview sessions.

Data were obtained on the following topics:

- For the reference period (a calendar period up to two years long preceding the last arrest): frequency of committing specific types of crimes, including burglary, robbery, assault, forgery, fraud, vehicular theft, other theft, and drug deals.

- For the same reference period, numbers of months incarcerated

- Age of onset of criminal activity

- Responses to items scattered throughout the questionnaire that essentially asked for the same information. These were used to construct measures of the quality of the data.

Although we originally anticipated and arranged for carrying out interviews at detention facilities and at homes of released defendants, for several reasons all interviews actually were carried out in jails or prisons. In order to gain the cooperation of defense attorneys of potential respondents we agreed not to contact defendants until immediately after their case was disposed. We also agreed not to contact defendants found not guilty. Prison or jail sentences were ultimately given to the vast majority of potential respondents. Most of the few defendants who were released on probation or given sentences of "time-served" or probation, were incarcerated before trial and returned to the local detention facility to retrieve their belongings. Therefore, almost all potential respondents were in custody immediately after case disposition.

In Los Angeles, defendants sentenced to prison or jail were first sent from court to local detention facilities; therefore, all interviews were carried out in jails. Defendants in Middlesex County were transferred from the courts building to prison or jail, depending on the disposition of their cases, or released. Therefore, we conducted most interviews in Massachusetts at the state prison classification facility or in the County correctional institution.

In both sites, potential respondents were selected through records maintained by the Offices of the District Attorney. The status of Los Angeles cases was tracked through records maintained by the Superior Court Division office of the Los Angeles County Clerk; additionally, the Office of the District Attorney regularly provided us with data from their Prosecutors Management Information System (PROMIS). In Middlesex County, the status of cases of potential respondents was followed by using daily updates automatically recorded by the Office of the District Attorney.

The Los Angeles Public Defender and the Chief Counsel of the Massachusetts Committee for Public Counsel Services were provided information about the study before initial interviews were conducted. Private defense attorneys were notified about the study when their clients were selected as potential respondents.

As soon as their case was disposed, potential respondents were scheduled for an interview. They were notified of the time and place for their interview and that they

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would receive $5.00 for participating in the study. They were also informed they had the right to refuse to participate.

Before the questionnaires were administered to potential respondents who chose to appear when scheduled, the interviewers explained the purpose of the study and gave them a copy of the survey instrument. The questionnaire booklets did not contain the name or any other direct identifiers of the respondents but were precoded with a randomly generated number that also appeared on the attached consent form (Appendix A). After respondents agreed to sign the informed consent form, it was collected and kept separate from the completed questionnaire. The signed informed consent forms then served as a basis for linking a defendant's questionnaire responses with his official records.

The Middlesex County Defendant Sample

Interviews were conducted with a subset of Middlesex County defendants whose cases were disposed between January 1985 and June 1986. Potential respondents (N = 455) were priority prosecuted defendants and male defendants not selected for priority prosecution but originally charged with the same types of crimes as defendants selected for priority prosecution: robbery, burglary, drug traffic/ drug possession with intent to distribute, rape, assault, and homicide; defendants charged with attempt of these crimes were also selected as potential respondents.

Sixty-eight percent of the potential respondents were located in local jail facilities and in the classification facility of the Massachusetts Department of Correction. Of these, 202 defendants completed a self-administered questionnaire; however, the questionnaires of four defendants were later discarded because they did not provide any information needed to estimate their rates of criminal activity. Response bias analysis indicated no significant differences between respondents and nonrespondents in terms of original charge, priority prosecution status, or respondent characteristics.

The Los Angeles County Defendant Sample

Interviews also were conducted with 298 defendants in Los Angeles County whose cases were disposed between December 1, 1984, and December 31, 1985; however, eight defendants filled out questionnaires that were later discarded. Potential respondents were male defendants prosecuted by attorneys in the Los Angeles County Central Career Criminal Division and a randomly selected subset of male defendants

not prosecuted as career criminals but originally charged with the same types of crimes: robbery or burglary.

Questionnaires were completed by approximately two-thirds of the career criminal defendants whose cases were disposed during the study period. Sample attrition was primarily due to failure to locate potential respondents who were transferred to other locations. Based on a comparison of respondents and nonrespondents who were prosecuted as career criminals, there were no significant differences in terms of respondent characteristics, original charges, or prior records of arrests and convictions.

Official Record Information Collected about Respondents

Official records of 181 Middlesex County respondents were located and coded in the Office of the Middlesex County District Attorney. Official records of 271 Los Angeles County respondents were located and coded at divisions of the Los Angeles County Clerk's Superior Court Offices: the Own Recognizance Division and the Criminal Court Services Division. In order to perform response bias analysis, data were also collected for non-respondents in both jurisdictions. The records included police reports, Rap sheets, probation reports, records of prosecuting attorneys, and, when available, reports by other criminal justice practitioners such as Own Recognizance Division interviewers and parole officers.

Given the confidential nature of these sources, access to the data required a court order in Los Angeles and Criminal Offender Record Information clearance in Massachusetts. Identifiers were separately collected and maintained. A preassigned randomly generated code was used to link these data with the self-report data. The Information Obtained Included:

- Prior adult arrests: type of offense, year of arrest, disposition;

- Juvenile court appearances: type of offense, year, disposition;

- Information about current offense: type, number of charges, location; use of weapon; number of victims; victim's age, sex, and relation to offender; victim injury; number of accomplices;

- Information about other pending offenses: type, number of charges, location; use of weapon; number of victims; victim's age, sex, and relation to offender; victim injury; number of accomplices;

- Information about defendant: age, whether or not on conditional release at arrest, and prosecutors' and other criminal justice

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practitioners' assessment of defendant's general culpability. Data about defendant's use of drugs was also coded if noted; but more often than not, it was not mentioned.

The Total Study Sample

Although a total of 500 defendants were interviewed, 12 respondents were excluded from the study because they did not provide any usable self-report information about the numbers or types of crimes they committed. Official record data were obtained for 452 of the remaining respondents; this is the sample that was used in the analyses that compare official record data with self reports.

Data Collected About Prosecuting Attorney Selection Procedures

In Los Angeles, we observed the actual selection process of a small number of cases in order to determine:

- Types of recorded information consulted during the selection process.

- Types of criminal justice personnel consulted during the selection process.

- Types of other individuals consulted.

Attorneys in the Career Criminal Division select cases through two processes. One method is a biweekly review of all cases that have been filed in Los Angeles Superior Court -- Central Division. Division Attorneys have rotating responsibility for carrying out the initial stage of this review.

The assigned attorney reviews files of all burglary and robbery cases accepted for prosecution in the district to see if defendants meet the California and Los Angeles formal selection criteria. Information reviewed includes the report of the attorney who filed the case, reports of arresting and investigating police officers, arraignment reports, and Rap sheets. If a Rap sheet is not included and the defendant appears to be a serious offender, prior records are retrieved using an on line system.

If the defendant appears to be a serious offender but does not meet the formal criteria, the records of co-defendants are checked to see if they qualify; if so, all co-defendants are selected for possible career criminal prosecution. For this study, attorneys were asked to record case numbers of defendants believed to be high-rate and dangerous but not selected because neither they nor their co-defendants met the formal criteria or for other reasons.

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Some of the cases that meet the formal criteria are selected for prosecution by the director of the division, often in consultation with the other attorneys in the division. Some cases are referred directly by police officers or other prosecutors. This process occurs sporadically and could not be anticipated or observed directly. Therefore we routinely contacted the attorneys to find out if they had had cases referred by police and interviewed them about the criteria used for selection.

In **Middlesex County** we reviewed forms routinely completed by attorneys to document priority prosecution selection processes. A new formal hierarchical procedure for selecting cases for priority prosecution was instituted as we began our study. The primary purpose of the new procedure was to improve identification of high-rate serious offenders.

The selection process is initiated by assistant district attorneys completing defendant information forms including recommendations for or against priority prosecution. The attorneys are permitted to recommend ongoing cases for priority prosecution. Therefore in addition to the types of records available in Los Angeles for informing their recommendations, the attorneys also had more extensive information, such as witness testimony and police investigations of other cases involving the defendant, to use as a basis for their decisions. In fact, the majority of the cases accepted for the program in the three months of our study were cases already in progress, and several had case folders that were several inches thick at the time they were recommended for priority prosecution

If an attorney recommends a specific case for priority prosecution, he or she must state the reasons why the defendant was recommended. The cases recommended for priority prosecution are reviewed by the Director of the Priority Prosecution Program and/or by the Chief of the Criminal Bureau. They record reasons for rejection of cases not accepted, and they frequently record additional reasons for accepting a particular case.

In **California**, we met with all the program directors of career criminal divisions located anywhere in the state. After describing to them the selection criteria we found to be used in Los Angeles and Middlesex Counties, we asked for comments and further additions based on their own practices.

Data Collected from Prosecutors About Specific Cases

Structured interviews were carried out both with prosecutors formally given

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final responsibility for selection of career criminal cases and with other attorneys who are instrumental in the selection process. Based on the previous observations, reviews of selection documentation, and meetings with the California program directors, we assembled for each case the information that might be relevant for selection before carrying out interviews related to the case. This information was summarized in an anonymous narrative form, approximately two paragraphs in length and listing information in the same order for all defendants. Typical information included in the narrative were the defendant's age and current charges, details of the current offense, amount of bail set at arraignment, prior adult criminal record, and juvenile record. If available, information was also included about observations of the defendant recorded by police or other criminal justice practitioners. The first few narratives we prepared also mentioned the defendant's race or ethnicity, but the reviewing prosecutors indicated that such information was superfluous and asked us to remove it.

The same types of narratives about defendants and their cases were presented to prosecutors in both study sites. During the interviews, the attorneys who formally had responsibility for selecting cases were queried about these anonymously prosecuted cases. They were asked:

- Opinions about the seriousness of the defendant

- Opinions about the defendant's suitability for priority prosecution

- Specific indicators from each record type used for determining seriousness and suitability for prosecution

- Other information used to decide on seriousness or suitability for priority prosecution, including nonspecific or subjective information

Los Angeles Career Criminal Division Attorneys were presented with a total of 134 cases; 106 cases were from their own county and included both cases actually prosecuted within the division and cases that had not been selected. The other 28 cases were those of Middlesex defendants. Middlesex attorneys were presented with 46 cases from their own county; the cases included both priority prosecuted defendants and those not priority prosecuted.

3. Criteria Used to Select Career Criminals for Priority Prosecution

Three types of criteria were used to select career criminals for priority prosecution: formal criteria, informal discretionary criteria related to offender and offense characteristics, and administrative criteria. The latter include resource allocation rules such as not taking cases because of high case loads or because the case appears to be very easy to prosecute. Administrative decisions to take cases also were observed to be based on high public visibility or political sensitivity.

Administrative selection rules most frequently have little to do with whether or not the attorneys or other practitioners believe the defendant to be a high-rate serious offender. Therefore, since administrative criteria were exercised in both jurisdictions, when we carried out analyses, we could not just carry out simple comparisons of priority prosecuted and non-priority prosecuted defendants to see if the priority prosecuted were higher-rate or more dangerous. Rather we compared defendants that met and did not meet different formal and informal criteria used to focus prosecution on the most serious offenders.

During the process of selecting cases, rather than categorizing defendants as career criminals or not, the attorneys focussed on three separate dimensions of criminality: the numbers of crimes the defendant was committing, the harm he was causing, and the length of his criminal career. In Los Angeles, these dimensions are reflected in both the formal and informal selection criteria. The formal criteria, a more stringent subset of formal state criteria, explicitly focus on numbers of criminal events for which the defendant was charged, and prior records that indicate persistence in committing felony crimes; they implicitly focus on harm by selecting defendants in crimes publicly perceived as most serious. More specifically the formal criteria are:

- [charges for] three or more robbery transactions [robberies that were separate events]

- [charges for] three or more burglary transactions [burglaries that were separate events]

- [a charge for] robbery, murder/robbery, or murder/burglary plus one prior adult conviction for murder, robbery or burglary within the past ten years, excluding time incarcerated.

The informal criteria used by Los Angeles attorneys are also focussed on the three separate dimensions of crime frequency, dangerousness, and persistence. Attorneys are just as likely or more likely to select cases involving dangerous offenders

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than high-rate but not dangerous offenders. For example, a defendant who did not meet the above criteria would be considered dangerous and possibly worth prosecuting by the attorneys if he was charged with a robbery involving serious victim inju., ꞓd had a prior juvenile commitment in a state facility for robbery. However, lacking other information, he would not be considered high-rate nor persistent; "probably just getting started" or "just beginning" are assessments likely to be given by the attorneys reviewing such a case.

On the other hand, a defendant with a long record of numerous arrests and convictions for receiving stolen property, but no record of violent crimes, would be likely to be considered a high-rate persistent criminal, but not dangerous and therefore not serious enough to warrant career criminal prosecution. Perhaps, in part because of this perspective, the Career Criminal Division attorneys had many informal criteria they use to decide whether or not a defendant is dangerous; fewer for assessing whether defendants are high-rate.

Given the high volume of robbery and burglary defendants that meet the Los Angeles formal selection criteria (over 30% of the defendants in our sample qualified), and the limited number of attorneys available to prosecute them, the Los Angeles discretionary criteria used by the Career Criminal Division attorneys are applied primarily to select the highest rate or most dangerous offenders from among a group of serious offenders. Therefore some of the discretionary criteria are even more stringent than the Los Angeles formal criteria; some select defendants that are so obviously high-rate or dangerous that analysis for determining accuracy is superfluous.

For example, a defendant charged with (and ultimately found guilty of) over 10 separate incidents of robbery committed over several months is by any definition a high-rate robber. Similarly, no one would disagree about the dangerousness of a young felon charged with robbery/assault with a deadly weapon, who, until shortly before arrest had been incarcerated in a state juvenile institution for murder. However, some of the criteria used by the Los Angeles are not as immediately obvious; therefore analysis was required to differentiate between more and less powerful discriminators, and to suggest additional criteria that could be used if prosecutorial resources are increased.

Middlesex County Assistant District Attorneys also explicitly select defendants based on the numbers of crimes they are committing, the harm they are causing, and their persistence in committing crimes. They too are more likely to be more concerned with dangerousness then high-rate behavior. Their general rule for

priority prosecution selection is: concentrate on ". . . offenders we want off the street fast." However, they are more eclectic in their selection then Los Angeles attorneys. When we asked the Middlesex County attorneys to review 28 anonymous cases previously reviewed by the Los Angeles attorneys, all defendants designated as high-rate and dangerous by the Los Angeles attorneys were also so characterized by the Middlesex County attorneys. Additionally, 45 percent of defendants evaluated as high-rate dangerous by the Middlesex County prosecutors were marginal or low-rate in the evaluation of the Los Angeles County attorneys.

The "wider-net" cast by the attorneys in Middlesex County appears to be a product of several factors. Middlesex County has fewer absolute numbers of felony cases to handle than Los Angeles, and since all assistant district attorneys are permitted to prosecute priority cases, relatively more attorneys are available for such cases. Too, the lack of any formal criteria allows for wider discretion.

However, several ongoing processes appeared to prevent the Middlesex attorneys from actually assigning priority prosecution to some defendants they and the Los Angeles attorneys believed were high-rate and dangerous. One is semi-administrative; the attorneys did not want to priority prosecute high-rate dangerous offenders charged with crimes that carry relatively light penalties and resources. For example, a defendant with a long juvenile and adult record for robberies and assaults was not recommended for priority prosecution because the current charge involved a single breaking and entering in an unoccupied business establishment.

Although the review process carried out with the attorneys essentially replicated the Los Angeles selection process, the Middlesex attorneys generally do not carry out a purposeful systematic official record review. Rather, they review information about the defendant over a period of time as it becomes available and relevant to the prosecution of the case; some information presented to them, such as juvenile records, were not relevant for prosecution and were not used. Therefore, when confronted with relatively extensive documentation all at once, they characterized as high-rate and dangerous some defendants not previously recommended for priority prosecution. In the analyses, we distinguish between information routinely available and used and information less available and more sporadically used.

Despite the notable differences between the two study sites in career criminal legislation, discretionary criteria, workload, and procedures for reviewing candidate defendants, we found great similarity in the groups of defendants selected for priority prosecution in the two jurisdictions. For example, the self-reported crime commission

rates of defendants selected for priority prosecution were remarkably similar in the two study sites.

4. Classification of Defendants from Their Self-Reports

Overview of the Analysis

The data analyses for this study are described here and in Section 5. The basic steps in the analysis were as follows:

- The internal reliability of defendants' self-report data was assessed, and respondents were separated into two groups according to whether their self-report data had good internal quality or not.

- Self reports of crime commissions were analyzed to provide two different estimates of each respondent's annual crime commission rates for each of ten types of crimes covered by the survey questionnaire. Then cutoff levels were established for labelling each crime rate as "high" or "not high." These cutoff levels were endorsed by criminal justice practitioners who reviewed them and specifically indicated that higher cutoff levels would not capture all the offenders that they viewed as "high rate" (Chaiken and Chaiken, 1985).

- Based on all of the defendants' crime rate levels and their answers to other questions in the self-report survey, some of them were classified as not being high-rate offenders (according to their self reports), some as being high-rate offenders, some as high-rate and dangerous offenders, and some as high-rate, dangerous and persistent offenders.

- Based on official record information, defendants were classified as meeting or not meeting the various mandated rules and state laws. All defendants, whether located in Los Angeles County or Middlesex County, were classified according to the rules of both states and both prosecutors' offices.

- The classification of defendants by the prosecutors were compared with the criteria the prosecutors said they used in making these judgments.

- Multivariate regression methods were used to determine whether the prosecutors and other criminal justice personnel, exercising discretion, do or do not perform better than mandated rules in selecting defendants identified as high-rate, dangerous, or persistent.

- The same methods were used to isolate the particular considerations and items of information or impressions that the prosecutors and other criminal justice personnel bring to bear successfully on the decision.

- Estimates were made of the probability that a particular person is high-rate, high-rate and dangerous, or high-rate, dangerous, and persistent, based on information in the official records. These probability estimates were then assessed for accuracy.

Computer programs used in the analyses were as follows:

- For internal reliability of self-reports, we used a PL1 program written for this purpose by Leola Cutler and modified by David Chaiken.

- For analyses of crime commission rates and logit regression models, we used SAS for Personal Computers, Version 6.03.

- For all other analyses, we used SPSS-X on a Harvard University IBM mainframe computer.

All analyses were carried out separately for the two sites (Los Angeles County and Middlesex County) before final versions were run with data from both sites combined. We do not report here any findings for the combined data that have not been confirmed separately for each site.

Similarly, we carried out all multivariate analyses for the subset of respondents whose data had good internal quality as well as for the entire sample of respondents. All findings reported for the entire sample of respondents have been separately confirmed for the respondents whose data had good internal quality.

Internal Reliability of Defendants' Self-Reports

The defendants who completed questionnaires for this study found themselves in somewhat different circumstances from those experienced by prison and jail inmates who responded to similar surveys in previous research studies. Defendants in criminal cases are ordinarily following the advice of their attorneys and are accustomed to being careful not to reveal any information that might be harmful to their cases. Furthermore, the defendants who completed our questionnaires had just recently been told that they had been convicted of the crime for which they had been arrested. Many were undergoing a possibly stressful transition to the period of incarceration that followed. Others, having been sentenced to probation or time already served, were understandably anxious to leave the pretrial detention facilities. For these and other reasons, it was natural to be concerned that the defendants' levels of concentration and candor when completing questionnaires might not have been as good as that of inmates who had already been serving jail or prison sentences for some period of time.

To ascertain that the quality of defendants' responses did not pose any special difficulties for the present research, we replicated a method for analyzing the internal reliability of these questionnaire responses that was developed earlier for the 1978-79 Rand Second Inmate Survey (Chaiken and Chaiken, 1982, Appendix B). In this 1982 study, we selected examples of various types of confused, inconsistent, or incomplete responses that could appear in the survey data, and we counted for each respondent how many of these errors occurred. We did not attempt to estimate the magnitude of error in any particular survey items or statistics generated from the survey, but rather developed overall summary measures of internal quality.

In all, 139 survey responses (out of a total of approximately 450 separate items on the questionnaire) were used in evaluating the internal reliability of the data. For the preliminary study of 100 defendants that preceded the present research (Chaiken and Chaiken, 1984), these 139 items were the only ones coded and keyentered, since the preliminary study evaluated only the reliability of the data, not the substantive content of the self-reports. In the present study, a larger number (but not all) of the survey items were keyentered, specifically including the 139 items needed for internal reliability analysis. The same computer program (with only slight modifications) was used for evaluating the internal quality of the 1978-79 inmate survey data, the 1984 preliminary defendants survey data, and the self-report data in the present study. Because data cleaning and archiving programs applied to the 1978-79 inmate survey data had provided special codes for missing values, multiple responses, responses in sections which the respondent should have skipped, and the like, we used exactly the same coding procedures and transformations in analyzing the data in the present study.

The analysis involves calculating 27 distinct indicators of reliability from the 139 survey items (see Chaiken and Chaiken, 1982, Appendix B, for details). Up to 15 of these indicators could show that a respondent was answering inconsistently, and up to 11 indicators could show confusion. Up to 14 of these same 26 indicators could indicate that the respondent was omitting answers that should have been filled in on the questionnaire, and the 27th indicator was a separate measure of omissions. Each respondent is given an overall "percent bad internal quality," based on his number of errors divided by the number of indicators applicable to him. A cutoff was established for "bad internal quality" such that the worst 20 percent (approximately) of respondents to the 1978-79 Rand inmate survey fell into this category; the cutoff percentage was not subsequently changed for any of the later replications of this method. Respondents whose "percent bad internal quality" falls below the cutoff are said to have self-report data with good internal quality.

The analysis showed that the defendants in our 1984 preliminary study had approximately the same level of internal reliability for self-reports as did the California jail respondents in the 1978 Rand inmate survey. (The defendants in our 1984 preliminary study were from Los Angeles County and were on the whole more similar to jail inmates in California than to other inmate populations studied in 1978-79.) Actually the 1984 defendants had somewhat worse reliability indicators (Table 2), but this was explained by the poorer quality of responses on the Spanish language survey booklet (30 percent in 1984 vs. 3 percent in 1978). The respondents using the English booklet fared the same in both years.

The internal quality of responses by defendants in the present study (conducted during 1984-86) was approximately similar to that of the 1978 California jail respondents in terms of the number of errors they made. But the latest group of defendants was substantially better than the comparison groups shown in Table 2 when measured by their "percent bad internal quality." The disparity between "number bad" and "percent bad" is explained by the fact that the latest defendants had, on the whole, more applicable questions on the questionnaire (they were involved in more types of activities covered by the questions in the survey). In fact, in our entire respondent group for this study (Middlesex County respondents plus Los Angeles County respondents), only 19.5 percent scored above the "bad" cutoff, which is slightly better than the 20 percent which applied to the entire respondent group for the 1978-79 Rand inmate survey.

On the whole then, concerns that a defendant sample might display worse patterns of inconsistency, confusion, or omission on the self-report instrument were not validated by the analysis. The quality of self-reports for the defendant sample seems to be neither better nor worse than for a comparable inmate sample.

Defining high-rate, dangerous, persistent criminal behavior

Trying to determine whether a particular person is or is not a high-rate, dangerous, or persistent offender involves two very different types of judgments. One type of judgment attempts to draw a clear picture of the person's actual criminal behavior by examining the often incomplete, conflicting, or murky information that is available for making these decisions. But even if many details of a person's actual criminal behavior were somehow to become completely and accurately known, there are still definitional questions: What specific behavior or combination of behaviors makes a person a high-rate offender? What makes a person a dangerous offender?

Table 2

INTERNAL RELIABILITY COMPARISONS

	1978 California Jails	1984 Preliminary Study of Defendants	Defendant Samples 1984-1986		
			Los Angeles	Middlesex	Total
Average Number of Omissions	0.8	1.8	0.8	1.4	1.1
Average Number of Inconsistencies	1.2	1.4	1.6	1.0	1.4
Average Percent of "Bad" Indicators	13.6	15.8	11.4	10.8	11.1
Percent of Respondents Above the "Bad" Cutoff	28.8	38.5	21.4	16.7	19.5

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The definitions of high-rate, dangerous, and persistent criminality that we used in this study arose naturally during the course of the research itself. We did not impose them from the start based on any preconceived ideas of our own, nor are they entirely synonymous with definitions already proposed and investigated by other researchers. Previous research has separated respondents to self-report surveys into "high-rate" and "not high-rate" groups (Chaiken and Chaiken, 1985), and into "high-rate serious" vs. "not high-rate serious" groups (Rolph and Chaiken, 1987). But the criminal justice practitioner's view of the nature of criminal behavior is much more subtle than these two-way distinctions, and our research here has benefited from the insights of the prosecuting attorneys in career criminal units. Their three-dimensional perspective based on categorized crime frequency, dangerousness, and persistence also showed promise for strengthening the research technically, for reasons that are discussed in this section.

1. Working with crime commission rates classified as "high" or "not high" presents many advantages over working directly with the numerical values of estimated crime rates. First, self-report survey data invariably reveal a very small number of respondents whose estimated crime rates are dramatically higher than anyone else's, for example hundreds of robberies per year or tens of thousands of drug deals per year. These "outlier" values are naturally suspect, and their precise numerical values are often highly dependent on apparently minor details of the computer programs used to calculate them (see, for example, Visher, 1986, and Rolph and Chaiken, 1987). In any event one would not want to design prediction equations whose form and coefficients are sensitive to these possibly misleading (but possibly very interesting) extreme values of crime rates, so different researchers resort to different technical adjustments to minimize their influence. (These adjustments include calculating logarithms of crime rates or artificially reducing the extremely high crime rates for purposes of analysis.) All these problems and subtleties are avoided by simply combining survey respondents whose estimated crime rates are extremely high with others whose crime rates are "high."

A second advantage of categorized crime rates arises from the well established fact that most offenders who commit any particular type of crime, such as robbery, do so at very low rates. If one attempts to estimate the numerical value of a person's crime rate from data about his characteristics or official records, the resulting estimation equations may be simply distinguishing very low-rate from moderately low-rate offenders, or low-rate offenders from average offenders (Rolph and Chaiken,

1987). Such formulas or scores are not really useful for policy purposes. But when using categorized crime rates, the distinctions between "very low," "moderately low," and "median" all disappear in the category called "not high."

Third, categorized crime rates are statistically more reliable than the crime rates themselves (Marquis and Ebener, 1981).

2. Separating the concept of "dangerous" from the concept of "high-rate" seems natural to researchers as well as to the criminal justice practitioners interviewed for this study. The substantial criminal justice literature that discusses predicting a person's propensity for dangerousness or violence, even to the extent of a single instance of future particularly heinous behavior (see, e.g., Monahan 1981a, 1981b), is evidence for this separation in the minds of many researchers.

3. Separating the concept of "dangerous" from the concept of "high rate" held promise of possibly improving upon previous research that proved less than satisfactory in relating individual characteristics to high-rate dangerous (combined) behavior. For example, Rolph and Chaiken (1987) classified respondents to the 1978-79 Rand Second Inmate survey as either "high-rate serious" offenders or not. When the two concepts of high rate and serious were combined in this way, the authors concluded "we were somewhat surprised and disappointed that" these definitions did not capture a natural division between the really bad guys and the other offenders (Rolph and Chaiken, 1987, p.x). Further, the study yielded "an unsuccessful search for discriminant rules based on an offender's official record information that would reliably label high-rate serious offenders correctly."

Support for the notion that discriminant equations could be improved by separating the concept of dangerous from the concept of high-rate emerged from exploratory analysis of our own data. We found that correlations between official record items collected for this study and a variable that divided survey respondents into categories of high-rate dangerous or not high-rate dangerous were much weaker than correlations between some of these same items and either a variable distinguishing high-rate from not high-rate or a variable distinguishing dangerous from not dangerous. Further, the official record items that appeared to be correlated with being high-rate were not on the whole the same official record items that were correlated with being dangerous. In short, combining the two concepts of high-rate and dangerous seemed to be muddying the waters.

4. Preliminary analysis of our own data also led us to select a particular order for separating the concepts of high-rate and dangerous. We determined that greater strength of official record items was obtained by first examining whether an offender was high-rate or not; then, given that he is high-rate, determining whether he is dangerous or not. The opposite order (First, is he dangerous? Then, if dangerous, is he high rate?) was less well attuned to the data.

5. The additional dimension of persistence was included to capture the notion that "career" criminality entails being involved in criminal behavior over a long period of time (or relatively long as compared to the offender's age). This longevity aspect of career criminality is not in principle necessarily covered by the concepts of high-rate or dangerous behavior (although it certainly is correlated with them).

Analysis and adjustment of crime commission rates

Defendants were classified as high-rate if they reported committing any one or more of the types of crimes covered in the survey at a rate higher than the 70th percentile rate for that crime. (The 70th percentile crime rate for a particular type of crime is the number of crimes per year which is exceeded by only 30 percent of those who commit the crime.) We wanted to choose a threshold crime rate which is well above typical levels, yet is not so high that the number of offenders classified as "high" would be too small to have any interest for policy purposes.) This section describes our methods for calculating crime rates and selecting 70th percentile cutoffs.

The survey questionnaire asks respondents to list the number or frequency of offenses committed during the reference period in each of ten categories:

- burglary

- robbery of businesses

- robbery of persons

- assault during a robbery or burglary

- other assault

- motor vehicle theft

- other theft

- forgery and credit card crimes

- fraud

- dealing drugs.

If respondents gave ambiguous information, we chose the lowest number of crimes consistent with their answers. (This corresponds to the "minimum" crime-rate estimate described by Chaiken and Chaiken, 1982, Appendix A. Preference for the minimum estimate is justified by the skewed distribution of crime commission rates, as explained by Visher, 1986.)

Two different estimates of the respondent's crime commission rate were calculated for eight of the ten types of crimes. The first estimate was simply the reported number of crimes (of that type) committed by the respondent divided by the length of time the respondent was free to commit crimes during his reference period. For example, a respondent who reported committing 6 burglaries and whose reference period included 14 months free of incarceration would have an estimated burglary rate equal to (6 burglaries)/(14 months) x (12 months per year), which is 5.14 burglaries per year.

The second estimate incorporates an adjustment for the amount of time the respondent was free of incarceration and is described by Chaiken and Rolph (1987, pp. 11-13). For respondents who were free to commit crimes for only a small number of months, it is unrealistic to assume that their rate of committing crimes would necessarily have been continued at the same level for an entire year if they had remained free of incarceration. For example, a respondent who was unincarcerated for only three months and committed seven burglaries during those three months would not necessarily be expected to commit 28 burglaries in a full year free of incarceration (28 = 7 x 12 / 3).

The net result of the adjustment is that respondents who appear to have extremely high crime commission rates according to the unadjusted estimate typically have much lower adjusted rates. In the above example, the adjustment yields an estimated annual burglary commission rate which is lower than 28. Many respondents' estimated crime rates, especially the low rates, remain essentially unchanged by the adjustment, and some crime rates are increased by the adjustment. (No adjusted crime rate estimate can be calculated for the two types of assault, because the format of the survey questions differs for the assault crimes, omitting information needed to calculate the adjustment.)

For each of the ten crime types listed above, plus the summary crime of total robbery, we determined the distribution of crime commission rates separately for the Middlesex County respondents and for the Los Angeles County respondents, and separately for the two different ways of estimating the crime commission rates. In the vast majority of cases, the classification of a respondent (below or above the 70th percentile) was the same whether the unadjusted or adjusted crime rates were used. That is, a respondent whose unadjusted rate was above the unadjusted 70th percentile also normally had an adjusted crime rate above the adjusted 70th percentile. This result illustrates the fact that respondents can be reliably classified as "high rate" or "not high rate" even when there may be considerable uncertainty about the correct estimate of the numerical value of their crime commission rate. Rolph and Chaiken (1987) found the same result when using an 80th percentile threshold or a 70th percentile threshold.

The small number of instances (under 2 percent) in which our classification of a defendant varied when using unadjusted and adjusted crime rates were individually examined, and if warranted the cutoff level for the unadjusted 70th percentile was modified slightly so as to classify these "close calls" in a way that was consistent with all the available information.

For all crime types but one, the distributions of crime commission rates were so similar between the two sites that it was possible to select a single cutoff crime rate which correctly classified each respondent as "high-rate" or "not high-rate," independent of whether he was surveyed in Middlesex County or Los Angeles County. The exception was theft other than motor vehicle theft, for which the data required selecting separate 70th percentile cutoffs for the two sites. The values of the cutoffs, and other statistics about the crime commission rates, are shown in Table 3.

The table illustrates that the adjusted 70th percentiles are typically substantially lower than the unadjusted 70th percentiles. The figures in this table can be approximately compared with the detailed tables in Appendix A of Chaiken and Chaiken (1982) (unadjusted crime commission rates for prison and jail inmates in California, Michigan, and Texas) or Appendix A of Chaiken and Rolph (1987) (adjusted rates for the same respondents). (These reports' appendices do not include 70th percentiles, but they present other information about the distributions of crime rates.) Comparable 70th percentile figures for unadjusted crime rates of prison respondents in the 1978-79 Rand inmate survey are given by Chaiken and Chaiken (1985, p. 9).

Table 3

Crime Commission Rates from Self-Report Survey

Crime Type	Percent of Sample Committing the Crime			70th percentile cutoff[b] (unadjusted annual crime rates)	70th percentile[a] adjusted annual crime rates	
	Los Angeles	Middle-sex	Total		Los Angeles	Middle-sex
Burglary	42	33	38	27	8	20
Robbery of businesses	18	18	18	6.1	2.3	2.1
Robbery of persons	33	22	29	4.79	2.3	1.6
Robbery, total	39	33	37	6.39	not calculated	
Assault in robbery or burglary	6	6	6	3	not calculated	
Assault, other	23	30	26	3.59	not calculated	
Theft other than auto	28	30	29	80 (LA) 20 (Middlesex)	80	6
Auto theft	16	16	16	6	1.6	3
Forgery and credit cards	10	21	15	7.9	1.7	2.3
Fraud	9	9	9	32	22	20
Drug Dealing	35	41	38	1,083.7	800	1,200

Number of survey respondents
with usable answers to questions
about crime commissions[c]:

Los Angeles	290
Middlesex	198
Total	488

[a]Among those who commit the crime, 70 percent commit it at a lower annual rate than the number shown in the table, and 30 percent commit it at a higher rate.

[b]The cutoff numbers are not exact percentiles, but take into account the data from both sites, and the adjusted crime rates of respondents whose unadjusted rates are close to the 70th percentile.

[c]This table includes 36 survey respondents for whom official records were not located.

The defendants in the present study on the whole reported less extensive criminality than California prison inmates in the 1978-79 Rand inmate survey. This is to be expected since some of them, upon conviction, received sentences less severe than incarceration in prison. For each of the crime types studied, fewer of the defendants reported having committed the crime than was true of the total 1978-79 prison inmate sample (respondents in three states who collectively simulated a prison intake cohort). But for those defendants who did commit the crime, their 70th percentile crime rates were very similar to the 70th percentiles of the surveyed prison inmates. For the crimes of burglary, fraud, and drug dealing, the defendants' 70th percentiles were actually higher than those of the three-state prison inmate sample.

Classification of respondents from their self-reports

Respondents were classified as <u>high-rate</u> if the unadjusted estimate of the annual rate at which they committed any of the crimes in Table 3 was at or above the listed 70th percentile cutoff value. The high-rate respondents were classified as <u>dangerous</u> if they reported committing assaults or if they reported committing any one or more of the three types of robbery at or above the 70th percentile rate. Respondents were classified as <u>persistent</u> if they had been committing crimes for at least one-third of their life.

Respondents who did not admit to committing any of the ten types of crimes covered by the survey were omitted from the analysis of characteristics distinguishing high-rate offenders. (In other words, the variable representing high-rate criminal behavior was missing for them.) Out of 452 defendants for whom both official record data and self-reported crime rate data were available, 102 defendants, or 23 percent, fell into this category. They may have committed types of crimes not included in the survey, in which case the self-report data would not permit distinguishing whether they committed those crimes at high rates or low rates.

As shown in Table 4, 43 percent of the defendants who admitted they committed one or more of the crimes in the survey were classified as high-rate offenders; 63 percent of the high-rate offenders were classified as high-rate, dangerous; and 57 percent of the high-rate, dangerous offenders were classified as high-rate, dangerous, and persistent. In all, the high-rate, dangerous, persistent offenders comprised 15 percent of the defendants who were classified.

Table 4
Defendants classified as high-rate, dangerous, and persistent

	Los Angeles	Middlesex	Total
1. Total defendants with both usable self-reported crime rates and official record data	271	181	452
2. Defendants admitting to committing one or more of the ten types of crimes in the survey			
Number	208	142	350
Percent of item 1	77%	78%	77%
3. Defendants classified as "high rate"			
Number	85	66	151
Percent of item 2	41%	46%	43%
4. High-rate defendants classified as dangerous			
Number	53	42	95
Percent of high-rate	62%	64%	63%
5. High-rate, dangerous defendants classified as persistent			
Number	27	25	52
Percent of high-rate, dangerous	53%	61%	57%

5. Relationship Between Official Record Items and Criminal Behavior

Levels of policy relevance of official record items

Before carrying out the regressions analyses, we ordered the independent variables in groups according to their relevance to legislatures and the criminal justice system and according to the availability of the pertinent information to attorneys at the time decisions are to be made about whether or not to prosecute defendants as career criminals. As shown in Table 5, the most accessible and policy relevant information about a defendant corresponds to the criteria established in state laws and district attorneys' office policies for designating defendants for career criminal prosecution. The next level of accessibility and policy relevance corresponds to a group of variables that capture information commonly taken into account by assistant or deputy district attorneys in making their decisions; the following group of variables are taken into account by many but not all attorneys. The final, and least acceptable, groups of variables correspond to information that is used in only one of the two study sites or that has been suggested by researchers as possibly pertinent but is not used by the assistant or deputy district attorneys included in this study.

The order of official record variables in Table 5 reflects primarily our interviews with prosecutors and our observations of the processes by which they made judgments about actual and anonymously presented defendants. However, we did check statistically the extent to which the data items said to be important in judging the nature of defendants were actually correlated with the prosecutors' opinions about whether defendants were high-rate and dangerous.

For each of the 106 defendants who were anonymously reviewed by the Los Angeles attorneys and the 46 defendants who were anonymously reviewed by the Middlesex County attorneys, we constructed summary variables indicating whether in the reviewer's judgment the defendant was a high-rate offender, and whether he was a high-rate dangerous offender. These classification variables were compared with the official record data items that describe or summarize the known characteristics of the defendant, using correlation analysis and multiple regression.

The results of the regression analysis, summarized in Table 6, show that the Los Angeles attorneys have developed a consistent mental model of the information that is relevant for judging a defendant high-rate, and the career criminal selection criteria that they work with daily enter into these judgments. In other words, criteria

Table 5

Official Record Data Items
Listed in Order of Acceptability to Prosecutors
For Evaluating Defendants for Career Criminal Prosecution

CALIFORNIA STATE SELECTION CRITERIA FOR CAREER CRIMINAL PROSECUTION

California criterion #1: current charges for three separate criminal
    transactions (events) for target crimes (robbery, burglary, arson,
    receiving stolen property, grand theft, grand theft auto, drug
    distribution, or sex felony crime involving a child)

California criterion 2: current charge for one target crime, plus a prior
    adult conviction (within last ten years, excluding time incarcerated)
    for robbery, burglary, arson, forcible rape, sex crime involving a
    child, kidnap, or murder.

California criterion #3: current charge for one target crime, plus two
    prior adult convictions (within last ten years, excluding time
    incarcerated) for grand theft, grand theft auto, receiving stolen
    property, robbery, burglary, kidnap, assault with a deadly weapon, or
    drug distribution.

California summary: any one of the above three criteria

CENTRAL LOS ANGELES DISTRICT ATTORNEY'S MORE RESTRICTIVE SELECTION CRITERIA

Los Angeles Criterion #1: current charges for three separate criminal
    transactions for robbery

Los Angeles Criterion #2: current charges for three separate criminal
    transactions for burglary (residential or commercial)

Los Angeles Criterion #3: Current charge for one crime of burglary/murder,
    robbery/murder, or robbery, plus one prior adult conviction (within
    last ten years, excluding time incarcerated) for first degree burglary,
    murder, or robbery.

Los Angeles summary: any one of the above three criteria

CENTRAL LOS ANGELES DISTRICT ATTORNEY'S DISCRETIONARY SELECTION CRITERION

Modified Los Angeles Criterion #3: Current charge for one crime of
    burglary/murder, robbery/murder, or robbery, plus one prior JUVENILE
    conviction (within the last ten years, excluding time incarcerated)
    that resulted in incarceration in a state facility for first degree
    burglary, murder, or robbery.

Los Angeles Total: Any one of the criteria #1, #2, #3, or modified #3.

Table 5 (continued)

DISCRETIONARY CRITERIA USED BY MOST ASSISTANT OR DEPUTY DISTRICT ATTORNEYS
IN LOS ANGELES AND MIDDLESEX COUNTY - INFORMATION AVAILABLE AT OR SOON AFTER
ARRAIGNMENT

Amount of bail set at arraignment/ bail denied

Location where offense occurred: restaurant, convenience store or other
    business establishment

Victim injury: victim sustained bruises

Weapon used: Defendant displayed or used gun to threaten victim

Location where offense occurred: house, apartment or other residence

Total adult convictions for assault

Total adult convictions for burglary

Total adult convictions for drug distribution

Total adult convictions for autotheft

Total adult convictions for robbery

Total adult convictions for receiving stolen property

Total adult convictions for theft from person

Total adult convictions for theft

Juvenile incarceration in state facility for murder

Juvenile incarceration in state facility for robbery

Juvenile incarceration in state facility for burglary

Victim injury: victim sustained lacerations

Total instant charges for assault

Total instant charges for burglary

Total instant charges for kidnap

Total instant charges for murder

Total instant charges for robbery

Victim was injured during instant offense

Defendant was pending trial for another offense

Table 5 (continued)

Total adult convictions for murder*

Number of victims that died as a result of instant offense*

DISCRETIONARY CRITERIA USED BY SOME ASSISTANT OR DEPUTY DISTRICT ATTORNEYS IN LOS ANGELES AND MIDDLESEX COUNTY - INFORMATION AVAILABLE SOON AFTER

Defendant wanted by authorities for failure to complete previous sentence
  (prison, jail, parole, or probation)

Total juvenile convictions for assault

Total juvenile convictions for burglary

Total juvenile convictions for robbery

Weapon used: Defendant displayed or used knife to threaten victim

Long record of specific felony arrests: arson, assault, burglary, drug
sales/possession, autotheft, kidnap, murder, robbery, rape, receiving stolen
property, theft, theft from person

Long record of specific felony convictions: kidnap, robbery, rape, assault,
murder and burglary

Defendant was on parole when arrested for current offense

Defendant was on probation when arrested for current offense

Defendant was previously convicted for the same type of offense

Total instant charges for auto theft

Total instant charges for receiving stolen property

Total instant charges for drug distribution/possession

Total number of separate criminal incidents involving defendant recorded by
  police or other criminal justice practitioners -- includes events for
  which charges not filed

DISCRETIONARY CRITERIA USED BY SOME ASSISTANT DISTRICT ATTORNEYS IN MIDDLESEX COUNTY - NOT BY DEPUTY DISTRICT ATTORNEYS IN LOS ANGELES

Total prior adult arrests for assault

Total prior adult arrests for burglary

Total prior adult arrests for drug distribution/possession

Total prior adult arrests for auto theft

Total prior adult arrests for robbery or burglary

Table 5 (continued)

Total prior adult arrests for robbery

Total prior adult arrests for rape

Total prior adult arrests for receiving stolen property

Total prior adult arrests for theft from person

Total prior adult arrests for theft

Age of victim under 16

Number of aliases used by defendant

Defendant was pending a hearing for violation of probation when arrested for
    current offense

Current offense involved forcible rape

Defendant was on bail or own recognizance when arrested for current offense

Defendant had a long serious record (numbers and types of offenses not
    specified)

Defendant had a long record (numbers and types of offenses not specified)

Defendant was on probation or parole when arrested for current offense

Defendant was on probation or parole for robbery when arrested for current
    offense

Defendant had prior record (not specific)

Defendant had record of previous probation or parole revocations

Defendant had record of previous incarcerations in prison

Defendant violated probation during current offense

Defendant deemed to be serious offender and likely to persist

Total juvenile arrests for assault

Total juvenile arrests for burglary

Total juvenile arrests for robbery

Total number of juvenile convictions

Total number of juvenile arrests

Total number of adult arrests for kidnap*

Table 5 (continued)

Total number of adult arrests for murder*

Current offense involved premeditated crime*

INFORMATION AVAILABLE IN OFFICIAL RECORDS BUT GENERALLY NOT USED BY ASSISTANT OR DEPUTY DISTRICT ATTORNEYS

Use of alcohol involved in current offense

Defendant noted as alcoholic

Number of codefendants

Two or more offenders involved in current offense

One other offender involved in current offense

Location where offense occurred: street, alley, parking-lot, other publicly accessible outside area

Victim was female

Victim was over the age of 60

Defendant was known to use cocaine

Defendant was known to use illicit drugs regularly

Defendant was known to use heroin

Defendant was known to use marijuana

Defendant was known to use multiple types of illicit drugs

Defendant was known to use PCP*

Defendant had no community ties*

Defendant was unemployed*

Defendant was known to use amphetamines*

Defendant was known to use LSD*

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* Items indicated with an asterisk could not be used in analyses for technical reasons, such as too few cases for inclusion.

Table 6
Official Record Data Items[a] Taken Into Account by Prosecutors in Evaluating Defendants As High-rate or Dangerous

	High-rate		High-rate Dangerous	
	Los Angeles	Middle-sex	Los Angeles	Middle-sex
California criterion #1 [3 target crimes]	+			
California criterion #2 [1 target; 1 prior]	+			
Modified Los Angeles Criterion #3: [burglary/murder, robbery/murder, or robbery 1 juvenile state incarceation for burglary, murder, or robbery]			+	
Amount bail/bail denied	+			
Offense location -- residence:				−
Adult convictions for burglary:			−	−
Adult convictions for assault:				+
Adult convictions for drugs:				−
Adult convictions for receiving stolen property				−
Juvenile state facility -- robbery:				+
Instant charges for assault:			+	+
Juvenile convictions for burglary:	−		+	
Juvenile convictions for robbery:			+	
Weapon used, gun:				+
Long record, specific felony arrests, violent, property, drugs:	−			
Long record, specific felony convictions, violent and burglary:	+			
Previously convicted, same type of crime:			+	

Analysis method: step-wise regression

[a]More complete descriptions of the variables are given in Table 5.
+ indicates the variable entered the multiple regression with a positive coefficient
− indicates it entered with a negative coefficient

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established by state law and office policy have colored the Los Angeles attorneys' understanding of criminal behavior. Among the Middlesex County attorneys, no consistent set of variables explained their judgments that an offender is high-rate.

A broader range of factors appears to enter into the attorneys' judgments that a defendant is high-rate and dangerous, and some of these are common across the two jurisdictions. But again, neither the California nor the Los Angeles selection criteria play a role in the thinking of prosecutors in the study site on the opposite coast of the United States.

By ordering the variables in groups as shown in Table 5, we can be confident that our regression models do not include variables of questionable acceptability unless those variables add significantly to what can already be known by using more conventional and legally relevant information about defendants. Further, stepwise regressions that follow the order of groups in Table 5 permit determining the extent to which the present mandated selection criteria, alone or in combination with others, are in fact pertinent for discriminating high-rate, dangerous, and persistent offenders.

Official Record Data Associated with Being High-Rate, Dangerous, and Persistent

The information compiled from the official records of the study sample was entered into multivariate regression models for estimating the probability that defendants would be classified as high-rate offenders, or high-rate dangerous offenders, or high-rate, dangerous, persistent offenders. Three variables taking the values 0 and 1 were constructed to represent the possible classifications of defendants, as shown in Table 7.

Table 7
Variables for Classifying Defendants from their Self-Reports

Classification variable	Meaning of the value 0	Meaning of the value 1
High-rate	Not high rate	High rate
HR-Dangerous	High rate, but not dangerous	High rate and dangerous
HRD-Persistent	High rate and dangerous, but not persistent	High rate, dangerous, and persistent

In order to screen the very large number of candidate variables that were calculated from the official records, we undertook stepwise linear multiple regressions in which each of the three classification variables, in turn, were the dependent variables and the candidate official record variables were the independent variables. Then, when we had identified a smaller set of official-record variables that together were most strongly related to the defendants' classifications, we undertook logistic regressions to determine the correct form of the equations for estimating the probability of each classification. (For variables that were and were not related to high-rate dangerousness, see Appendix B, Tables B.2 and B.3).

The logistic models differ from linear regression models primarily by the fact that the probability estimated from a logistic model will always lie between zero and 1, no matter what values are chosen for the independent variables. Further, the coefficients of logistic models are estimated by maximum likelihood methods rather than by least-squares methods. The particular independent variables whose coefficients are significantly different from zero are typically the same, whether a linear regression or a logistic regression is carried out. In the analyses undertaken for this study, we compared dozens of pairs of models, one linear and the other logistic with the same independent variables; we never encountered an instance in which the significant variables in the linear model differed in a substantively interesting way from the significant variables in the paired logistic model.

The equations and coefficients presented in this section apply to both study sites together and to all defendants together, whether their survey responses had bad or good internal quality. However, in developing the equations, the official record variables were first screened for each site separately and for the defendants whose survey responses had good internal quality. Only variables that survived this screening were permitted in the final version of the model. The rationale for this screening method is to avoid presenting estimation equations whose explanatory variables may depend on some anomaly of the data or on procedures that are particular to a single district attorney's office.

If a variable entered the equation for, say, the Middlesex County defendants but was not significantly correlated with the same classification variable for the Los Angeles County defendants, we found a substitute variable that had approximately the same policy meaning and entered both sites' equations with an "acceptable" level of significance. The substitute variable was then chosen for entry into the model for the two sites together.

Table 8 presents basic information about the official record variables. (See Table B.1 in Appendix B for the mean values of all variables in each of the two study sites.) Table 8 presents zero-order correlations of official record items with two of the classification variables in Table 7, and also with a variable that simply describes whether the defendant has been a persistent offender or not. It is apparent from Table 8 that many of the official record items are correlated with having a long criminal career, some of them very strongly correlated. However, simple persistence is not particularly difficult to ascertain, so the large number of variables that reveal nothing more interesting than a long criminal career ought to be considered more with caution than with enthusiasm.

More variables are correlated with dangerousness, given high-rate offending, than are correlated with high-rate offending itself, and the strength of the correlations with dangerousness is higher. As with many previous research studies, we find considerable difficulty in drawing clear conclusions about an individual's rates of his offending from official record data.

The California and Los Angeles selection criteria variables were calculated for the Middlesex County defendants as well as for the Los Angeles County defendants. In the table they appear to be somewhat more useful for the Middlesex County defendants. This is because the Los Angeles County sample is already partially selected according to these criteria, so there is less variance on these variables in the Los Angeles sample.

The variables correlated with high-rate dangerousness give a picture of offenders who prey on innocent and vulnerable victims in street situations. However, in the multivariate analysis described below, variables having greater levels of policy relevance and accessibility weaken or substitute for some of these more vividly descriptive variables, because they are inter-correlated.

Discriminating high-rate from other defendants

In the stepwise linear regression analyses, seven official record items played significant roles in relation to the classification variable "high rate." Either one of two policy variables representing existing formal selection criteria were approximately equally significant in the model: California criterion #2 or the Los Angeles summary criterion. But whichever one was chosen explained only two percent of the variance between "high rate" and "not high rate." None of the discretionary criteria commonly used by assistant or deputy district attorneys, such as the number of prior convictions

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Table 8
CORRELATIONS BETWEEN OFFICIAL RECORD ITEMS AND CLASSIFICATION VARIABLES

All Los Angeles and Middlesex County Respondents
Whose self-reports included committing one or more crimes on the survey

*   indicates univariate Pearson correlation significant at .05 or better
**   indicates correlation significant at .01 level or better
***   indicates correlation significant at .001 level or better
(-)   indicates an inverse relationship

Official Record Items[a]	High-Rate		High-Rate Dangerous		Persistent[b]	
	Los Angeles	Middle-sex	Los Angeles	Middle-sex	Los Angeles	Middle-sex
CALIFORNIA STATE SELECTION CRITERIA FOR CAREER CRIMINAL PROSECUTION						
California criterion #1: [3 target crimes]						
California criterion #2: [1 target; 1 prior]	*	*			***	***
California criterion #3: [1 target; 2 priors]					***	***
California summary: [1 of the above 3]					***	***
CENTRAL LOS ANGELES DISTRICT ATTORNEY'S MORE RESTRICTIVE SELECTION CRITERIA						
Los Angeles Criterion #1: [3 robberies]				*		
Los Angeles Criterion #2: [3 burglaries]						
Los Angeles Criterion #3: [burglary/murder, robbery/murder, or robbery + 1 prior]			**			
Los Angeles summary: [1 of above 3]		**	*			

Table 8 (continued)

Official Record Items[a]	High-Rate		High-Rate Dangerous		Persistent[b]	
	Los Angeles	Middle-sex	Los Angeles	Middle-sex	Los Angeles	Middle-sex

CENTRAL LOS ANGELES DISTRICT ATTORNEY'S DISCRETIONARY SELECTION CRITERION

	High-Rate LA	High-Rate Mx	Dangerous LA	Dangerous Mx	Persistent LA	Persistent Mx
Modified Los Angeles Criterion #3: [burglary/murder, robbery/murder, or robbery + 1 juvenile state incarceration for burglary, murder, or robbery]					*	
Los Angeles Total: [1 of criteria #1, #2, #3, or modified #3]			**	*	*	

DISCRETIONARY CRITERIA USED BY MOST ASSISTANT OR DEPUTY DISTRICT ATTORNEYS IN LOS ANGELES AND MIDDLESEX COUNTY - INFORMATION AVAILABLE AT OR SOON AFTER ARRAIGNMENT

	High-Rate LA	High-Rate Mx	Dangerous LA	Dangerous Mx	Persistent LA	Persistent Mx
Amount bail/ bail denied					*	
Offense location - business:					**	
Victim injury, bruises:						
Weapon used, gun:						
Offense location - residence:						
Adult convictions for assault:					*	*
Adult convictions for burglary:					*	**
Adult convictions for drugs:						
Adult convictions for autotheft:						*
Adult convictions for robbery:					***	*
Adult convictions for RSP:						
Adult convictions for theft-person:						
Adult convictions for theft:			*(-)			**
Juvenile state facility - murder:						
Juvenile state facility - robbery:						

Table 8 (continued)

Official Record Items[a]	High-Rate		High-Rate Dangerous		Persistent[b]	
	Los Angeles	Middle-sex	Los Angeles	Middle-sex	Los Angeles	Middle-sex
Juvenile state facility - burglary:					*	
Victim injury, lacerations:			*			
Instant charges for assault:						
Instant charges for burglary:						
Instant charges for kidnap:						
Instant charges for murder:						
Instant charges for robbery:			*	*		
Victim was injured - instant offense:			**			
Pending trial for another offense:			*			

DISCRETIONARY CRITERIA USED BY SOME ASSISTANT OR DEPUTY DISTRICT ATTORNEYS IN LOS ANGELES AND MIDDLESEX COUNTY - INFORMATION AVAILABLE SOON AFTER

	Los Angeles	Middle-sex	Los Angeles	Middle-sex	Los Angeles	Middle-sex
Wanted, failure to complete term - prison, jail, parole, or probation:	*	**				
Juvenile convictions for assault:						
Juvenile convictions for burglary:						
Juvenile convictions for robbery:			*			
Weapon used, knife:				*		
Long record, specific felony arrests:					***	***
Long record, specific felony convictions:				***	***	
On parole when arrested:		*				**
On probation when arrested:	**					
Previously convicted, same type crime:			*(-)		**	*
Instant charges for auto theft:						

Table 8 (continued)

Official Record Items[a]	High-Rate		High-Rate Dangerous		Persistent[b]	
	Los Angeles	Middle-sex	Los Angeles	Middle-sex	Los Angeles	Middle-sex
Instant charges for RSP:				**(-)		
Instant charges for drugs:				*(-)		
Number of separate criminal incidents: [includes events not filed]						

DISCRETIONARY CRITERIA USED BY SOME ASSISTANT DISTRICT ATTORNEYS IN MIDDLESEX COUNTY – NOT BY DEPUTY DISTRICT ATTORNEYS IN LOS ANGELES

Official Record Items[a]	High-Rate LA	High-Rate Middlesex	HRD LA	HRD Middlesex	Persistent LA	Persistent Middlesex
Total adult arrests for assault:	*(-)			*	**	
Total adult arrests for burglary:			*(-)	*(-)	*	**
Total adult arrests for drugs:						
Total adult arrests for auto theft:						*
Total adult arrests for robbery or burglary:				***	***	
Total adult arrests for robbery:			*		***	
Total adult arrests for rape:						
Total adult arrests for receiving stolen property	*		**		***	*
Total adult arrests for theft from person:						
Total adult arrests for theft:						**
Age of victim under 16:						
Number of aliases used by defendant:					**	
Pending hearing for violation of probation:	*			*		
First arrest before age 17	*				*	
Forcible rape:						
On bail or own recognizance:		*				
Long serious record -nonspecific:					**	

Table 8 (continued)

Official Record Items[a]	High-Rate		High-Rate Dangerous		Persistent[b]	
	Los Angeles	Middle-sex	Los Angeles	Middle-sex	Los Angeles	Middle-sex
Long record – nonspecific	*					**
On probation or parole:	**				**	
On probation or parole for robbery:						
Prior record (not specific):		*				
Previous probation/parole revoked:					*	
Previous incarcerations in prison:					***	*
Violated probation current offense:	*				**	
Serious offender/likely to persist:					*	
Total juvenile arrests for assault:						
Total juvenile arrests for burglary:						
Total juvenile arrests for robbery:			*		*	
Total number of juvenile convictions:			*		*	
Total number of juvenile arrests:			*		*	

INFORMATION AVAILABLE IN OFFICIAL RECORDS BUT GENERALLY NOT USED BY ASSISTANT OR DEPUTY DISTRICT ATTORNEYS

Use of alcohol/ current offense:				**(-)		
Defendant noted as alcoholic:						
Number of codefendants:						*(-)
2 or more offenders in current offense:			*		*	
1 other offender in current offense:						
Offense location/ publicly accessible outside area:			***		*	
Victim was female:			*	*		**(-)
Victim was over the age of 60:						

Table 8 (continued)

Official Record Items[a]	High-Rate		High-Rate Dangerous		Persistent[b]	
	Los Angeles	Middle-sex	Los Angeles	Middle-sex	Los Angeles	Middle-sex
Defendant was known to use cocaine:						*(-)
Defendant known to use illicit drugs regularly:	**					
Defendant was known to use heroin:	*					
Defendant was known to use marijuana:	*					
Defendant known to use multiple illicit drugs:						

[a]More complete descriptions of the variables are given in Table 5.

[b]The variable "persistent" in this table takes the value 1 if the defendant had been active in crime for more than a third of his life, independent of whether he was also high-rate and/or dangerous.

for specific crimes or instant charges for specific crimes, added significantly to the strength of the relationship with high-rate offending.

Three variables that are sometimes used by the attorneys did enter one or more of the stepwise regression equations, adding to the information contained in the California state or Los Angeles criterion variables. (The regression models differed according to whether only one site or both sites were included, and whether respondents with bad quality self-report data were included or excluded.) Each of the regression equations contained two of the following three variables with coefficients significantly different from zero:

- defendant was wanted by the authorities for failure to complete a previous sentence,

- defendant was on bail or own recognizance release when arrested, and

- defendant was judged to have a long criminal record (details not specified).

Finally, knowledge that the defendant uses illicit drugs, an item of information that may be included in official records but is not taken into account by attorneys, always entered the regression equations above and beyond the variables already mentioned.

We constructed logistic regression models for the probability of being a high-rate offender, corresponding to each of the stepwise linear regression models. Logistic regression models serve the purpose of dividing the population into subgroups having different base rates of being a high-rate offender, and then estimating each group's actual probability of being high rate from the characteristics of defendants in the group. Since no subgroup will be estimated as 100% high rate or 0% high rate, the model does not classify individuals, but rather groups of individuals. Of course, the strength (or usefulness) of such a model depends on whether it separates the population into groups having substantially different probabilities.

The coefficients and other statistics for two of the logistic models are shown in Table 9. As an illustration of the meaning and use of the coefficients in these models, consider a defendant who scores 1 (yes) on California criterion #2, is not wanted for an uncompleted sentence, was on bail at the time of the current offense, and is known to use heroin. From the first logistic model in Table 9, his probability of being high-rate is

Table 9
Logistic Regression Models for Probability of Being a High-Rate Offender

Number of cases: 350 defendants from both sites, good or bad quality
                   self-report data.

Classification variable: 1 if high-rate, 0 otherwise
Number actually high-rate: 151 defendants.

First logistic model:

Variables included	Coefficient		Chi-Square	Signif.
	Estimate	Std. Err.		
California criterion #2	0.648	0.229	7.97	0.005
Wanted for uncompleted sentence (e.g. escaped)	2.635	1.061	6.17	0.013
On bail or own recogniz.	1.579	0.702	5.07	0.024
Illicit drug use	1.322	0.483	7.50	0.006
Intercept	-0.810	0.173	21.95	0.0001

Second logistic model:

Variables included	Coefficient		Chi-Square	Signif.
	Estimate	Std. Err.		
Los Angeles Summary	0.454	0.244	3.46	0.063
Wanted for uncompleted sentence (e.g. escaped)	2.700	1.057	6.52	0.011
On bail or own recogniz.	1.440	0.691	4.34	0.037
Illicit drug use	1.186	0.476	6.22	0.013
Intercept	-0.606	0.140	18.63	0.0001

$$1/(1 + \exp(-(-0.810 + .648 + 0 + 1.579 + 1.322))) = 0.939.$$

That is, according to this model, this defendant belongs to a subgroup 94 percent of whose members are estimated to be high-rate.

Figure 1 illustrates the accuracy of the predictions from this model. The defendant population is divided into groups according to the combinations of the four independent variables that occur. For each group, the number of defendants in the group is shown on the figure next to the point on the graph which compares the actual percent of defendants in the group who are high-rate offenders with the model's estimated percent high-rate. The straight line on the graph shows where the points would lie if the model was perfectly accurate.

The figure shows that the offenders who belong to groups that are estimated to have high probabilities of being high rate are actually high rate. However, the model is not very strong, since it leaves large groups of defendants essentially undifferentiated: in the lowest group (with 150 defendants) 30 percent are actually high rate, and in the next group (156 defendants) 47 percent are actually high-rate. A stronger model would separate a larger fraction of the defendants into the categories estimated to have high probabilities of being high rate.

Figure 2 shows how the model could be used to classify defendants. By selecting a cutoff level, say 70 percent, one could classify as "presumably high rate" all defendants whose estimated probability of being high rate is above the cutoff. The figure shows that with this choice, over 77 percent of those labelled "presumably high rate" would be actually high rate, and under 3 percent of defendants who are actually low rate would be called "high rate." Thus the model produces a small proportion of false positives (only 23 percent of those called high rate are incorrectly classified) but it has a high proportion of false negatives (defendants who are not detected as being high rate when they actually are).

A statistic that has been used to compare the quality of different classification models is the Relative Improvement Over Chance (RIOC). (See, for example, Gottfredson and Gottfredson, 1986.) To calculate this statistic, the cutoff probability should be chosen in such a way that the number of defendants said to be "presumably high rate" is approximately equal to the base rate (number of defendants actually high-rate). The data here allow only a poor approximation to the base rate, namely by choosing all subgroups except the two lowest ones in Figure 1 as "presumably high rate." Then the value of the RIOC statistic is 14.4 percent, which confirms our observation from Figure 1 that the model is not a strong one.

Figure 1
Quality of Predictions of the
Probability of Being a High-Rate Offender
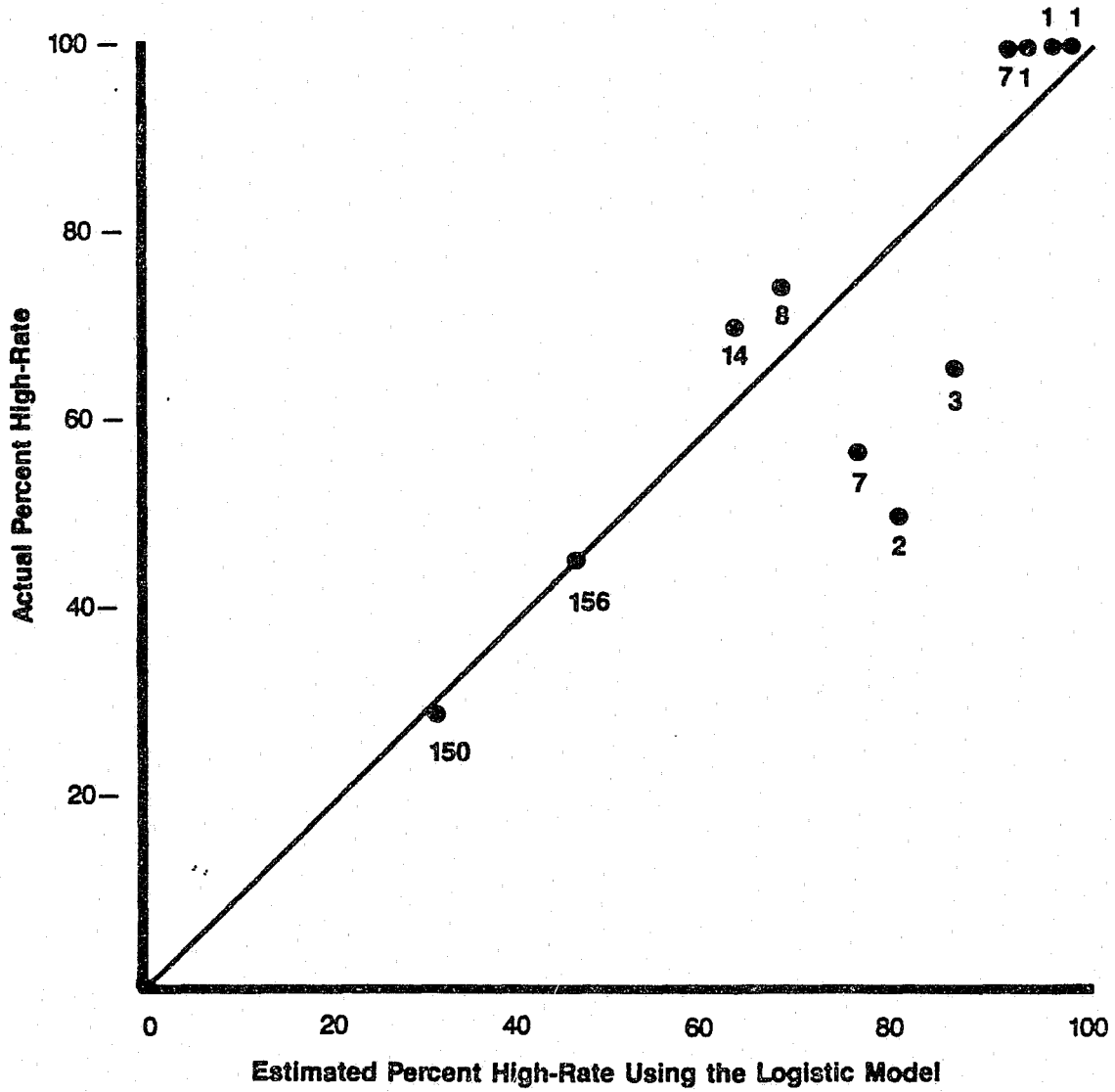
LOGISTIC MODEL: See Table 9

Figure 2
Correct and Incorrect Classifications
Using Logistic Model for Being High Rate

percent of "high" actually high

percent of actual "low" called "high"
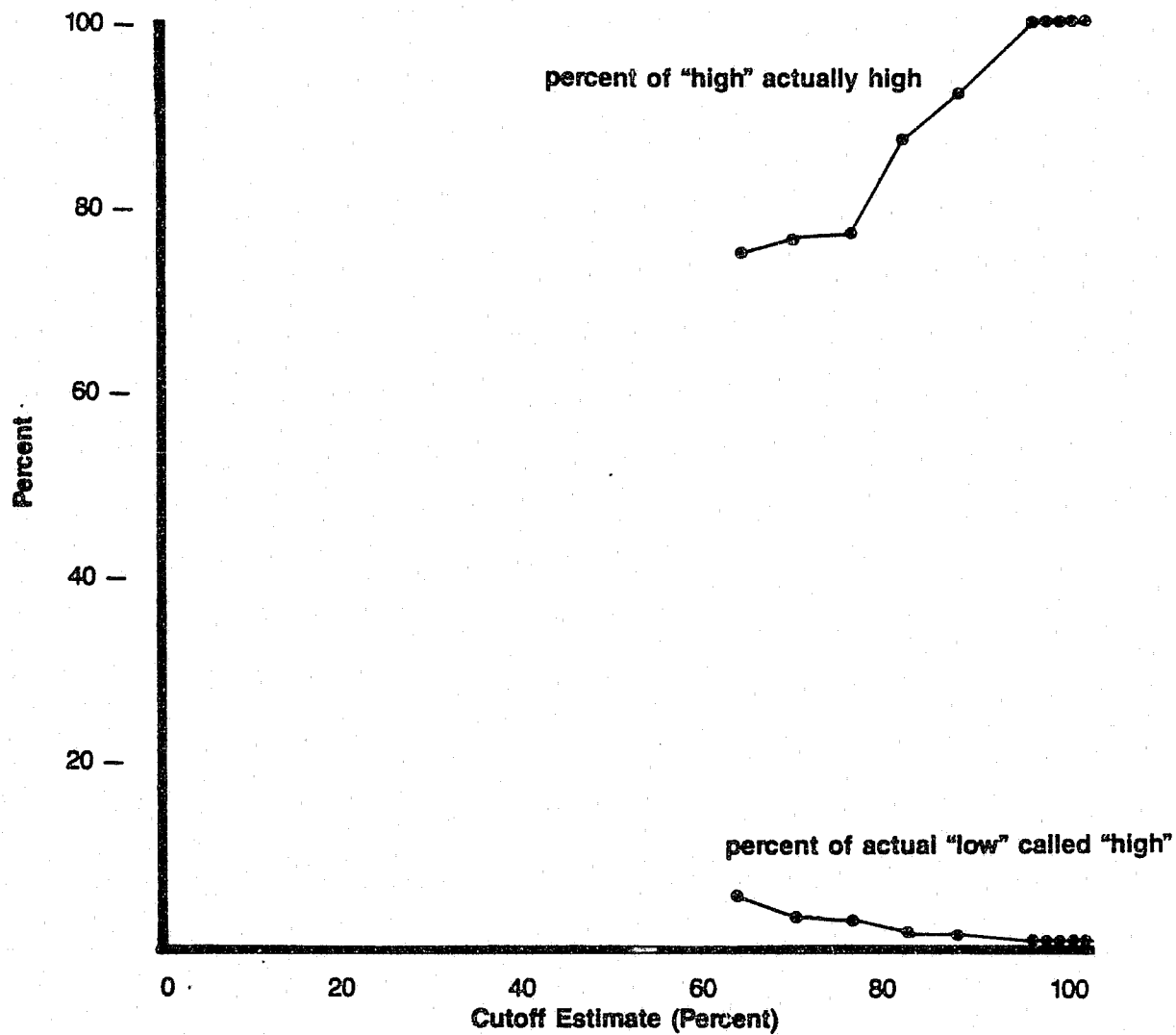
Note: Everyone estimated to be above the cutoff is called "high"

LOGISTIC MODEL: See Table 9

Discriminating dangerous high-rate defendants from other high-rate defendants

The official record information available to prosecutors is much better at distinguishing dangerous high-rate defendants than it is in distinguishing high-rate defendants. The variables that emerged as most useful from the stepwise regression analyses were:

- Los Angeles summary criterion
- Victim injury
- Total instant counts of robbery
- Juvenile convictions for robbery
- Knife used in crime.

The logistic regression model and coefficients corresponding to these variables is given in Table 10. Variables have been retained with significance levels that are not as strong as those in Table 9; these variables are more significant in one of the two sites or when defendants with bad quality data are removed, and they enhance the model overall. Figure 3, similar to Figure 1, again shows that the estimated probabilities for subgroups are very close to their actual probabilities. But in this model, much larger proportions of the defendants are separated out from the lowest subgroup. This subjective view of the quality of the estimations in Figure 3 is confirmed by the RIOC, which in this case is 31.9 percent. To calculate the RIOC statistic, the estimated number dangerous can in this instance be chosen very close to the base rate by choosing all defendants except the 58 defendants in the lowest group on Figure 3 to be "presumptively dangerous." (Of these 58 defendants, 33 are actually not dangerous, and 25 are actually dangerous. These numbers suffice to calculate the RIOC statistic.)

Figure 4, similar to Figure 2, shows that if a cutoff estimate higher than 76 percent is chosen, the classification model for dangerousness once again has a very low rate of false positives, and a low percentage of defendants who are actually not dangerous would find themselves labelled as dangerous.

Discriminating high-rate, dangerous, persistent defendants

The regression analysis for high-rate, dangerous, persistent offenders is interesting primarily for showing that among the high-rate, dangerous offenders there is

Table 10
Logistic Regression Model for Probability of Being High-Rate Dangerous

Number of cases: 151 high-rate defendants from both sites, good or bad quality self-report data

Classification variable: 1 if dangerous and high-rate, 0 if high-rate but not dangerous

Number actually dangerous: 95 defendants.

Variables included	Coefficient		Chi-Square	Signif.
	Estimate	Std. Err.		
Los Angeles Summary	0.631	0.450	1.97	0.16
Victim injury	1.479	0.544	7.39	0.007
Total instant counts of robbery	0.377	0.254	2.19	0.14
Juvenile convictions for robbery	1.990	1.069	3.46	0.06
Knife used in crime.	0.594	0.728	0.66	0.4
Intercept	-0.324	0.245	1.75	0.19

Figure 3
Quality of Predictions of the
Probability of Being High-Rate Dangerous
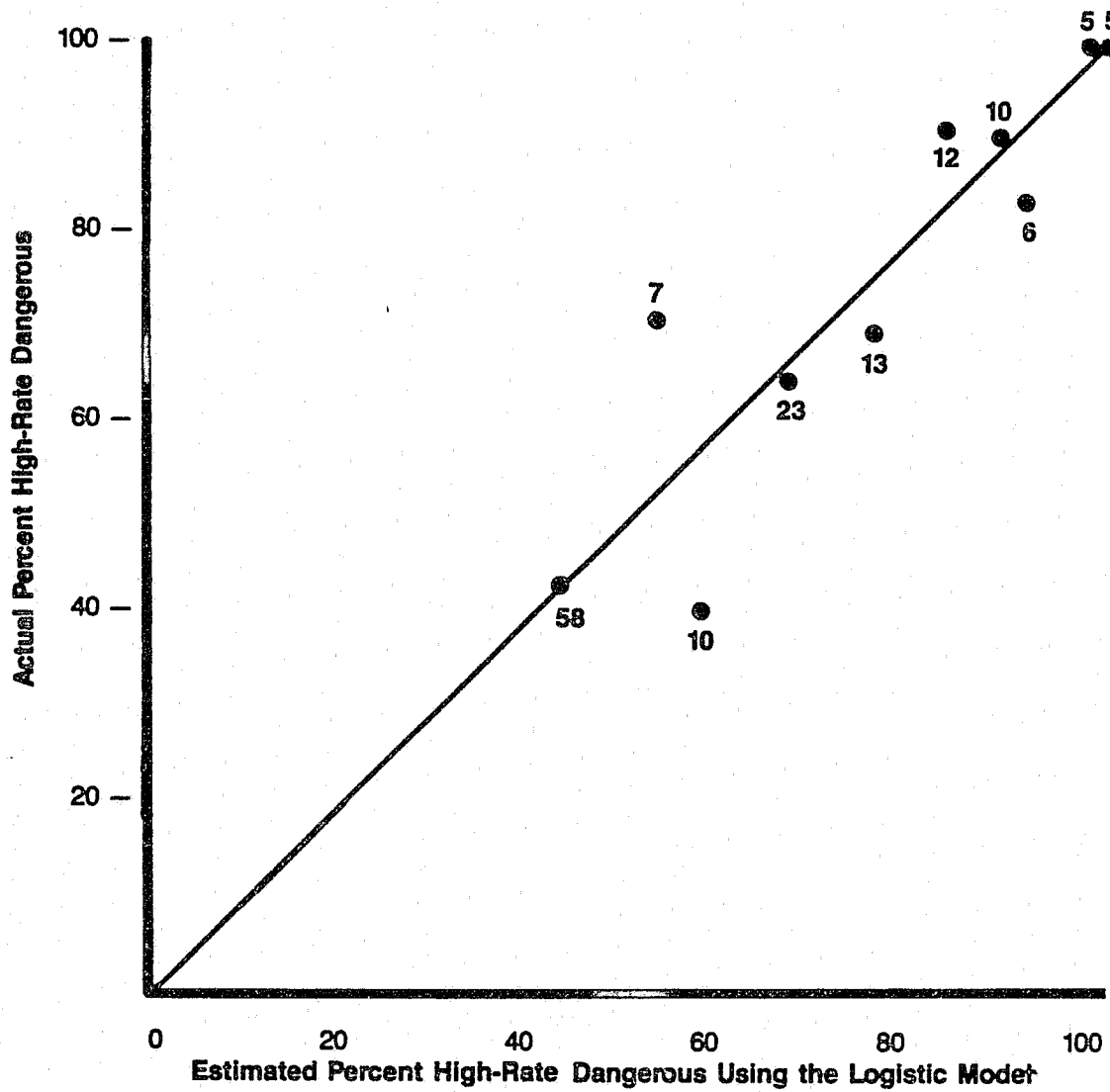
LOGISTIC MODEL: See Table 10

Figure 4
Correct and Incorrect Classifications
Using Logistic Model for Being High-Rate Dangerous

**percent of "high-rate dangerous"
actually high-rate dangerous**

**percent of "not high-rate dangerous"
called "high-rate dangerous"**

Percent

Cutoff Estimate (Percent)
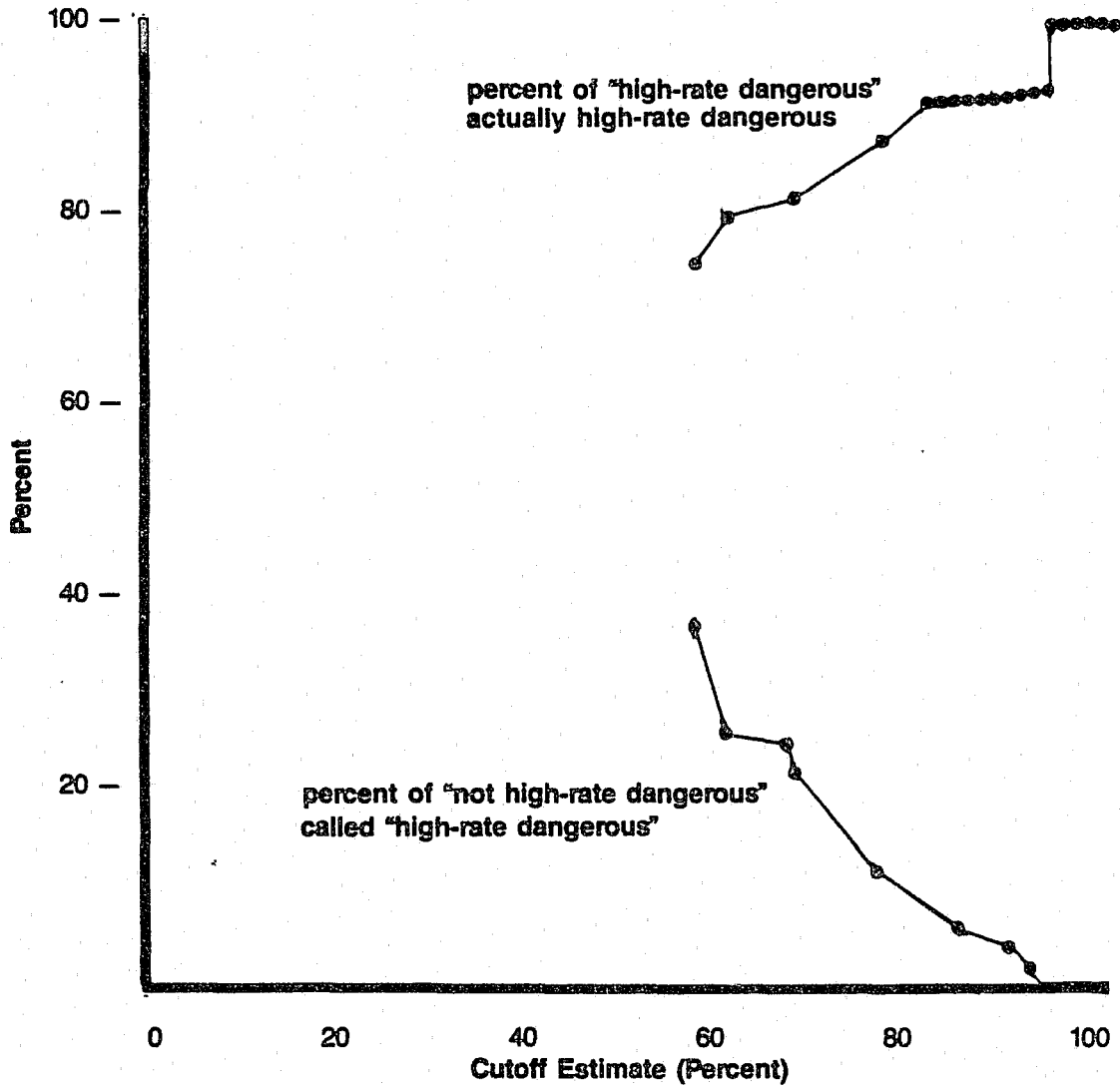
Note: Everyone estimated to be above the cutoff is called "high-rate dangerous"

LOGISTIC MODEL: See Table 10

still a significant difference in their longevity. The strongest official record item explaining persistence is a count of the number of arrests for specific crimes on the defendant's record (see the list of crimes for this official record item in Table 5). No other variables add much, except the total number of adult robbery convictions, which we have included in the model shown in Table 11.

Table 11
Logistic Regression Model for Probability of Being
High-Rate, Dangerous, and Persistent

Number of cases: 92 high-rate, dangerous defendants from both sites, with the requisite data items.

Classification variable: 1 if high-rate, dangerous, and persistent
                            0 if high-rate and dangerous

Number actually persistent: 52 defendants.

Variables included	Coefficient		Chi-Square	Signif.
	Estimate	Std. Err.		
Length of felony record for specific crimes	0.200	0.083	5.67	0.017
Total adult convictions for robbery	0.622	0.395	2.48	0.12
Intercept	0.686	0.362	3.59	0.06

6. Conclusions

The results of this study suggests that many of the criteria used by the prosecutors are effectively focussing resources on dangerous offenders -- those who have caused great social, psychological, and physical harm by assault and robbery. The prosecutors' identification of these serious offenders is soundly based; few people selected as dangerous because of their officially known history of violence and the injury they have caused deny that they have been involved in serious criminal activity.

Prosecutors correctly assume that adult offenders who have records of serious crimes as juveniles are more likely to be high-rate offenders than others. However, although juvenile conviction records for robbery are useful indicators of being a high-rate dangerous offender, the accuracy is not absolutely dependable since, as prior research has shown, many defendants who were involved in serious juvenile criminality never were arrested for these crimes.

The criteria used by prosecutors are less effective for selecting the offenders who commit crimes at the highest rates. The most powerful criteria attorneys have for selecting the highest-rate offenders essentially reflect the ability of police in their district to link multiple criminal events and prepare a single case for prosecution. However, since some high-rate offenders may be caught for one crime but successfully evade detection for many others, the power of this information is diminished.

Modest improvements in accuracy can be made by modifications suggested by our analyses. One of the few factors that researchers consistently have found to be associated with self-reported high-rate criminality is frequent use of illicit drugs, especially high cost drugs or multiple types of drugs. Generally, the records available to prosecutors contain sparse information about defendants' use of drugs. But even the most scant recorded information that indicated that a defendant was using multiple types of drugs or had "a drug problem," when used in our analysis, improved the accuracy of identifying the highest-rate offenders. Therefore, we suggest more systematic collection of information about defendants' use of drugs. Additionally, we suggest that prosecutors take into account any information already collected.

Another factor that appears to be associated with high-rate criminality is the vulnerability of victims selected as targets. Often, purse-snatches or strong-arm street robberies are considered by police and prosecutors to be less serious than inside robberies in which the offender used a gun. Our analysis indicated that the use of a gun and an inside crime site did not meaningfully distinguish between high-rate and less

high-rate offenders, nor between dangerous and less dangerous offenders. However, street robbers who victimize women are more likely to be high-rate and dangerous offenders. These offenders are also more likely to victimize the elderly, although the correlations were not quite strong enough to be shown in our tables. We therefore suggest that prosecutors devote more attention to defendants involved in simple robberies or other crimes involving these victims, whether or not injury occurred in the arrest incident.

Major improvements in accurate identification of high-rate offenders can not be suggested from our study. On the contrary, this study and others conducted in the past few years can only lead to a pessimistic view of our ability to greatly reduce crime through selectively incarcerating more of the highest-rate offenders. Rather than being attributable to ongoing practices that can undergo immediate change, prosecutors' (and researchers') lack of ability to identify the highest rate offenders accurately reflects a gap in our knowledge about the factors that drive criminals to commit numerous felonies over short time spans. The findings about drug use and victim vulnerability suggest that immediate overriding desires of offenders and opportune targets to meet these needs may have more to do with high-rate criminality than stable recordable characteristics of offenders.

This pessimistic view of crime reduction effects does not mean that priority prosecution should be abandoned. The focal concerns of prosecutors are to deal with extremely dangerous offenders, and they are meeting those objectives. Legislated criteria for career criminal prosecution can enhance prosecutors' selection of high-rate dangerous offenders and can justify selections. Therefore we recommend their continued use in states with career criminal statutes and their legislation in states where they do not exist. However, discretionary criteria are used effectively by experienced prosecutors to enhance legislative guidelines; therefore we also recommend flexibility of choice within the confines of the formal guidelines.

Finally, although the numbers and types of criminals varied between our study sites, as did criminal justice resources and practices, some of the California criteria emerged as potentially useful for discriminating between serious and less serious offenders in Middlesex County. We conclude that other jurisdictions can probably also benefit from applying the California career criminal selection criteria, and that these easily understood and justifiable standards do have value for singling out some of the defendants who are most worthy of receiving priority prosecution.

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Appendix A

Informed Consent Form

This form describes the 1984 Defendant Survey. Is is also the form which you use to indicate that you agree to take the survey. If you agree to participate in the survey, print your name in the space on this form.

I agree to participate in a survey being conducted by Brandeis University. I understand that Brandeis University does research on public policy issues. I understand further that the purpose of the survey is to collect information from men who recently were prosecuted for crimes to find out their opinions and experiences with the criminal justice system, how they are treated when in jail or prison, and their past activities, and experiences in doing crime.

I understand that I will be given a booklet of questions to answer. The booklet has a number on it, but I do not need to print my name on the booklet. I agree to print my name in the space provided on this form which has the same number as the booklet. My name may be retained for followup research, but my name will be kept in a separate place from my answers.

I understand that Brandeis University will use the numbered sheet to combine my answers with information about my arrests, classification, and treatment by the criminal justice system. Researchers will collect this information from records kept by criminal justice agencies -- such as police, courts, jails, and prisons.

I understand that Brandeis University will use my answers to questions in the survey booklet and the information they collect from criminal justice agencies only for the purposes of research. Federal law requires that my answers and all other information collected by researchers will be kept strictly confidential. The law provides that copies of my answers are immune from legal process and cannot be admitted as evidence in any judicial, administrative, or legislative proceeding without my written consent.* This means that unless I agree, no court, police department, jail or prison can get copies of my answers from the researchers.

I understand that my participation is completely voluntary. I do not have to participate in the survey and I do not have to give permission to Brandeis to obtain information about my arrests, classification and treatment by criminal justice agencies. By answering questions in the survey I am agreeing to participate and to permit Brandeis University to obtain such information from criminal justice agencies. I can refuse to answer the questions either now or after I have seen the survey booklet. The only benefit to me from answering all the questions are that I will receive a payment of $5.00 and that I may later be asked to volunteer to participate in another survey, for which I will also be paid.

PLEASE PRINT YOUR NAME HERE _____

_____ FIRST   LAST

3076   _____
                                 Probation/Jail Number

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* 42 U.S. Code 3789 g says:

"No recipient of assistance under the provisions of this chapter shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this chapter. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit or other judicial, legislative or administrative proceedings."

Appendix B

Supplementary Tabulations of Data

Table B.1
AVERAGE SCORES ON OFFICIAL RECORD ITEMS[a]

All Los Angeles and Middlesex County Respondents
Whose official record data were located

Official Record Items[b]	Middlesex (N= 181)	Los Angeles (N = 271)
CALIFORNIA STATE SELECTION CRITERIA		
California criterion #1: [3 target crimes]	.38	.16
California criterion #2: [1 target; 1 prior]	.40	.54
California criterion #3: [1 target; 2 priors]	.46	.47
California summary: [1 of the above 3]	.72	.62
CENTRAL LOS ANGELES DA'S SELECTION CRITERIA		
Los Angeles Criterion #1: [3 robberies]	.03	.04
Los Angeles Criterion #2: [3 burglaries]	.04	.03
Los Angeles Criterion #3: [burglary/murder, robbery/murder, or robbery + 1 prior]	.16	.26
Los Angeles summary: [1 of above 3]	.23	.32
CENTRAL LOS ANGELES DISTRICT ATTORNEY'S DISCRETIONARY SELECTION CRITERION		
Modified Los Angeles Criterion #3: [burglary/murder, robbery/murder, or robbery + 1 juvenile state incarceration for burglary, murder, or robbery]	.18	.29
Los Angeles Total: [1 of criteria #1, #2, #3, or modified #3]	.24	.34

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Table B.1 (continued)

Official Record Items[b]	Middlesex (N= 181)	Los Angeles (N = 271)
DISCRETIONARY CRITERIA USED BY MOST ASSISTANT OR DEPUTY DISTRICT ATTORNEYS IN LOS ANGELES AND MIDDLESEX COUNTY - INFORMATION AVAILABLE AT OR SOON AFTER ARRAIGNMENT		
Amount bail/ bail denied (in 100's)	197	112
Offense location - business:	.27	.17
Victim injury, bruises:	.08	.06
Weapon used, gun:	.15	.18
Offense location - residence:	.36	.27
Adult convictions for assault:	.30	.14
Adult convictions for burglary:	.69	.77
Adult convictions for drugs:	.09	.10
Adult convictions for autotheft:	.26	.21
Adult convictions for robbery:	.17	.40
Adult convictions for RSP:	.20	.08
Adult convictions for theft-person:	.01	.04
Adult convictions for theft:	.41	.30
Juvenile state facility - murder:	.005	.007
Juvenile state facility - robbery:	.03	.04
Juvenile state facility - burglary:	.02	.08
Victim injury, lacerations:	.03	.05
Instant charges for assault:	.55	.08
Instant charges for burglary:	.44	.64
Instant charges for kidnap:	.12	.07

Official Record Items[b]	Middlesex (N= 181)	Los Angeles (N = 271)
Instant charges for murder:	.04	.05
Instant charges for robbery:	.63	.89
Victim was injured – instant offense:	.28	.19
Pending trial for another offense:	.19	.04

DISCRETIONARY CRITERIA USED BY SOME ASSISTANT OR DEPUTY DISTRICT ATTORNEYS IN LOS ANGELES AND MIDDLESEX COUNTY – INFORMATION AVAILABLE SOON AFTER ARRAIGNMENT

Wanted, failure to complete term – prison, jail, parole, or probation:	.04	.02
Juvenile convictions for assault:	.10	.06
Juvenile convictions for burglary:	.20	.27
Juvenile convictions for robbery:	.05	.07
Weapon used, knife:	.15	.12
Long record, specific felony arrests:	3.35	3.79
Long record, specific felony convictions:	1.16	1.36
On parole when arrested:	.07	.18
On probation when arrested:	.29	.26
Previously convicted, same type crime:	.30	.34
Instant charges for auto theft:	.08	.04
Instant charges for RSP:	.07	.04
Instant charges for drugs:	.31	.01
Number of separate criminal incidents: [includes events not filed]	1.63	1.21

Official Record Items[b]	Middlesex (N= 181)	Los Angeles (N = 271)
DISCRETIONARY CRITERIA USED BY SOME ASSISTANT DISTRICT ATTORNEYS IN MIDDLESEX COUNTY – NOT BY DEPUTY DISTRICT ATTORNEYS IN LOS ANGELES		
Total adult arrests for assault:	.52	.32
Total adult arrests for burglary:	.99	1.14
Total adult arrests for drugs:	.15	.24
Total adult arrests for auto theft:	.35	.39
Total adult arrests for robbery or burglary:	1.25	1.91
Total adult arrests for robbery:	.26	.77
Total adult arrests for rape:	.06	.02
Total adult arrests for RSP:	.30	.20
Total adult arrests for theft from person:	.01	.07
Total adult arrests for theft:	.67	.56
Age of victim under 16:	.12	.02
Number of aliases used by defendant:	.18	2.31
Pending hearing for violation of probation:	.02	.06
Age at 1st juvenile arrest	16	16
Forcible rape:	.07	.01
On bail or own recognizance:	.03	.02
Long serious record -nonspecific:	.04	.46
Long – nonspecific:	.34	.13
On probation or parole:	.08	.40
On probation or parole for robbery:	.01	.01
Prior record (not specific):	.06	.16

Official Record Items[b]	Middlesex (N= 181)	Los Angeles (N = 271)
Previous probation/parole revoked:	.001	.26
Previous incarcerations in prison:	.06	.22
Violated probation current offense:	.005	.13
Serious offender/likely to persist:	.02	.09
Total juvenile arrests for assault:	.16	.14
Total juvenile arrests for burglary:	.35	.50
Total juvenile arrests for robbery:	.07	.16
Total number of juvenile convictions:	1.09	.38
Total number of juvenile arrests:	1.45	.62

INFORMATION AVAILABLE IN OFFICIAL RECORDS BUT GENERALLY NOT USED BY ASSISTANT OR DEPUTY DISTRICT ATTORNEYS

Use of alcohol/ current offense:	.03	.36
Defendant noted as alcoholic:	.02	.03
Number of codefendants:	1.1	.34
2 or more offenders in current offense:	.17	.14
1 other offender in current offense:	.31	.33
Offense location/ publicly accessible outside area:	.30	.25
Victim was female:	.38	.25
Victim was over the age of 60:	.05	.07
Defendant was known to use cocaine:	.13	.24
Defendant known to use illicit drugs regularly:	.09	.03
Defendant was known to use heroin:	.06	.16

Official Record Items[b]	Middlesex (N= 181)	Los Angeles (N = 271)
Defendant was known to use marijuana:	.08	.49
Defendant known to use multiple illicit drugs:	.11	.43

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[a]Record items that are not specifically counts of something are represented here by variables taking the value 0 or 1 (No or Yes). Thus, the mean value indicates the proportion of defendants scores "Yes." For example, 38 percent of the Middlesex County defendant sample scored Yes on California criterion #1. Examples of variables representing counts of something: "adult convictions," "instant charges," "total adult arrests," "amount of bail."

[b]Complete descriptions of the variables are given in Table 5.

Table B.2

COMPARISON OF HIGH-RATE DANGEROUS, HIGH-RATE NOT DANGEROUS,
AND OTHER DEFENDANTS

Los Angeles and Middlesex County Respondents
With good quality self-reports whose official record data were located[a]

	Percent Respondents		
Information/Criterion[b]	High-Rate Dangerous (N = 82)	High-rate Not Dangerous (N = 51)	Other Defendants (N = 154)
CALIFORNIA STATE SELECTION CRITERIA			
California criterion #2: [1 target; 1 prior]	61	61	45
CENTRAL LOS ANGELES DA'S SELECTION CRITERIA			
Los Angeles Criterion #1: [3 robberies]	9	2	3
Los Angeles Criterion #3: [burglary/murder, robbery/murder, or robbery + 1 prior]	34	14	20
Los Angeles summary: [1 of above 3]	45	24	27
CENTRAL LOS ANGELES DISTRICT ATTORNEY'S DISCRETIONARY SELECTION CRITERION			
Los Angeles Total: [1 of criteria #1, #2, #3, or modified #3]	48	24	29
DISCRETIONARY CRITERIA USED BY MOST ASSISTANT OR DEPUTY DISTRICT ATTORNEYS IN LOS ANGELES AND MIDDLESEX COUNTY - INFORMATION AVAILABLE AT OR SOON AFTER ARRAIGNMENT			
Victim injury, lacerations:	6	0	6
Instant charges for robbery: [Mean]	1.1	.33	.95
Victim was injured - instant offense:	29	10	23
Crime committed while on bail or own recognizance another offense:	6	8	1

	Percent Respondents		
	High-Rate Dangerous	High-rate Not Dangerous	Other Defendants

DISCRETIONARY CRITERIA USED BY SOME ASSISTANT OR DEPUTY DISTRICT ATTORNEYS IN LOS ANGELES AND MIDDLESEX COUNTY

	High-Rate Dangerous	High-rate Not Dangerous	Other Defendants
Wanted, failure to complete term – prison, jail, parole, or probation:	7	7	less than 1
Juvenile convictions for robbery:	13	2	5
Weapon used, knife:	17	6	16
On parole when arrested:	21	14	12
On probation when arrested:	29	39	26

DISCRETIONARY CRITERIA USED BY SOME ASSISTANT DISTRICT ATTORNEYS IN MIDDLESEX COUNTY – NOT BY DEPUTY DISTRICT ATTORNEYS IN LOS ANGELES

	High-Rate Dangerous	High-rate Not Dangerous	Other Defendants
Long prior record (nonspecific)	29	29	16
Total adult arrests for robbery or burglary:	2.0	2.0	.79
Total adult arrests for robbery:	.70	.40	.27
Total adult arrests for receiving stolen property	.34	.25	.09
Age at 1st juvenile arrest	16	16	16
Juvenile arrests for robbery:	21	2	9

INFORMATION AVAILABLE IN OFFICIAL RECORDS BUT GENERALLY NOT USED BY ASSISTANT OR DEPUTY DISTRICT ATTORNEYS

	High-Rate Dangerous	High-rate Not Dangerous	Other Defendants
Offense location/ publicly accessible outside area:	30	12	32
Victim was female:	42	20	27
Defendant was known to use marijuana:	28	28	36
Defendant was known to use heroin:	16	26	12
Defendant was known to use amphetamines	5	12	3

Table B.2 (continued)

| | Percent Respondents | | |
	High-Rate Dangerous	High-rate Not Dangerous	Other Defendants
Defendant was known to have a drug problem	9	16	3

[a]Includes only respondents who reported committing at least one of the crimes listed in the survey booklet.

[b]More complete descriptions of the variables are given in Table 5.

INFORMATION USED BY PROSECUTORS
FOUND NOT TO DISTINGUISH MEANINGFULLY BETWEEN DEFENDANTS
IF USED ALONE[a]

CALIFORNIA STATE SELECTION CRITERIA[b]

California criterion #1:
[3 target crimes]

CENTRAL LOS ANGELES DA'S SELECTION CRITERIA

Los Angeles Criterion #2:
[3 burglaries]

CENTRAL LOS ANGELES DISTRICT ATTORNEY'S DISCRETIONARY SELECTION CRITERION

[Information meaningfully distinguished between defendants]

DISCRETIONARY CRITERIA USED BY MOST ASSISTANT OR DEPUTY DISTRICT ATTORNEYS IN LOS ANGELES AND MIDDLESEX COUNTY

Victim injury, bruises

Weapon used, gun

Offense location - residence

Adult convictions for drugs[c]

Adult convictions for receiving stolen property[c]

Adult convictions for theft-person

Juvenile state facility - murder

Juvenile state facility - robbery

Instant charges for assault

Instant charges for burglary

Instant charges for kidnap

Instant charges for murder

DISCRETIONARY CRITERIA USED BY SOME ASSISTANT OR DEPUTY DISTRICT ATTORNEYS IN LOS ANGELES AND MIDDLESEX COUNTY - INFORMATION AVAILABLE SOON AFTER ARRAIGNMENT

Juvenile convictions for assault

Juvenile convictions for burglary

Instant charges for auto theft[c]

Number of separate criminal incidents
[includes events not filed]

**DISCRETIONARY CRITERIA USED BY SOME ASSISTANT DISTRICT ATTORNEYS
IN MIDDLESEX COUNTY − NOT BY DEPUTY DISTRICT ATTORNEYS IN LOS
ANGELES**

Total adult arrests for drugs[c]

Total adult arrests for rape

Total adult arrests for theft from person

Age of victim under 16 (Note: Self-report information about child abuse
was not obtained).

Pending hearing for violation of probation

Forcible rape (Note: Self-report information about rape was not obtained)

On probation or parole for robbery

Total juvenile arrests for assault

Total juvenile arrests for burglary

[a]Information does not significantly distinguish between defendants that are
high-rate, dangerous, or persistent, and other defendents in univariate
analysis

[b]More complete descriptions of the variables are given in Table 5.

[c]Generally used to identify defendants as NOT high-rate and dangerous